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COMMISSION OF INQUIRY
INTO THE
NON-MEDICAL USE OF DRUGS

COMMISSION D'ENQUETE
SUR L'USAGE DES DROGUES
A DES FINS NON MEDICALES

November 13, 1969
College Lounge,
University of Manitoba,
Winnipeg, Manitoba.

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2 INTO THE
3 NON-MEDICAL USE OF DRUGS

4 COMMISSION D'ENQUETE
5 SUR L'USAGE DES DROGUES
6 A DES FINS NON MEDICALES

7 BEFORE:

8 Gerald LeDain, Chairman,
9 Ian Campbell, Member,
10 J. Peter Stein, Member,
11 H. E. Lehmann, M.D., Member,
12 James J. Moore, Member,
13 Marie-Andree Bertrand, Member.

14 COUNSEL:

15 J. Bowlby, Q.C., Counsel for the Commission

16 RESEARCH:

17 Dr. Ralph Miller.

18 SECRETARY TO THE CHAIRMAN:

19 Vivian Luscombe.

20 November 13, 1969

21 College Lounge,
22 University of Manitoba,
23 Winnipeg, Manitoba.

1 COMMISSION OF INQUIRY INTO THE NON-MEDICAL USE OF DRUGS

2 Noon Session
3 at The College Lounge, University of Manitoba,
4 November 13th, 1969.

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7 THE CHAIRMAN: Ladies and gentlemen,
8 I call this sittings of the Drug Inquiry Commission
9 to order.

10 We began our hearing this morning.
11 We have been listening since 10:00 A.M. but we haven't
12 yet heard from the people of Winnipeg, and we are here
13 to listen, and get the benefit of your opinions.
14 I think you know enough about our
15 purpose that I don't have to waste precious time to go
16 over detail, but I just -- just mention the three main
17 areas that we are asked to enquire into, the extent of
18 non-medical drug use, drugs involved, populations,
19 relationship between drugs, the effects of the drugs,
20 physical, psychological and behaviour, and thirdly, and
21 perhaps most importantly, the reasons, the causes, the
22 significance, social significance of the phenomena,
23 what the meaning is of it for our time, its relationship
24 to other things.

25 And then we are asked to make
26 recommendations to the Federal Government as to what
27 it can do, alone, or with other governments, to reduce,
28 as they say, the problems involved in non-medical drug
29 use.

30 Now, we are anxious to have your

views, and it is not necessary of course, to make formal submissions to us. There are two, two microphones here. You can perhaps share these to some extent. And so we invite your submissions.

Oh yes, the question of protection. We are involved with, and glad to receive evidence, privately and anonymously for the identity of those who want to come before us privately. We are not interested, however, in identifying individuals. In our particular experience in our public hearings, but letting the benefit of your views, your general views. And while I have an understanding at the highest level of our investigation, our Commission will not be used for law enforcement purposes.

If you have anything that you think is self-incriminating, that you prefer to tell us privately, I think you should do so. But we have found in our hearings so far, we have had a very frank exchange of views, and our hearings have not been inhibited by these -- these considerations.

I think it is a testimony to the courage, and to the depth of feeling that we have encountered, particularly in young people. So we will --

THE PUBLIC: Mr. Chairman, could I give you a report on usage of marijuana. I am an instructor in Political Science in the Faculty of Arts, and in two classes I conducted an anonymous poll in writing, on forms, and with the permission of the class,

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2 they would like you to have these figures.

3 One hundred and seven people in the
4 first year class, comprising a group of 4/5 of men,
5 most of whom would be in the First year, were asked the
6 question, "Have you ever used marijuana or hashish?" and
7 thirty-three percent said yes; sixty-three percent said
8 no.

9 They were then asked a further
10 question, "Have you used marijuana or hash three times
11 or more?" Yes - twenty-five percent; no - seventy-five
12 percent.

13 Then in a second year course, also
14 in Politics, the number of students involved, fifty-one,
15 "Have you ever used marijuana or hash?" Yes - thirty-
16 nine percent; no - sixty-one percent.

17 "Have you used marijuana or hash
18 three times or more?" Yes - twenty-two percent; no -
19 seventy-eight percent.

20 I will give you a copy of this in
21 writing, for the convenience of your files.

22 THE CHAIRMAN: Thank you.

23 Well, we heard this morning -- heard
24 this morning statements from counsel from the Federal
25 Department of Justice, statements that in their opinion
26 there is a relationship between marijuana and hard drug
27 use, in effect that the increase in marijuana use would
28 lead inevitably to an increase of hard drug abuse.

29 Yes? Perhaps -- could you pass
30 this microphone back to that lady?

THE PUBLIC: This morning on the Bruno Gerussi Show, a fellow by the name of George Southgate was interviewed by Mr. Gerussi, and one of the points that he was discussing was the mafia in Canada.

This week end -- in Weekend Magazine, there will be an article on some of the information that he gave to Mr. Gerussi.

He made it very clear that the mafia was very much involved with drugs in Canada. Now, I can't help wondering, if we knew more about the mafia's activities, if we wouldn't find that attitudes against drugs are not just from a right wing sort of narrow-minded group of people, who oppose pleasure in any form, but rather, are promoted by rather large scale syndicated crime organizations, who feel -- who don't want their profits taken away, due to legalization of marijuana.

I think that this is one point that the Government should really look into, and find out exactly who it is that is shaping our attitudes, and the general public's attitudes, about drugs.

The second point is in response to what the judge said this morning, about responsibility in the use of drugs. The fact that people get involved with hard drugs, with heroin, morphine and so forth, I think it is pretty well known among those who have had anything whatsoever to do with any drug community anywhere, that this is in fact, not the case at all.

One city -- I happen to know that in a period of a year and a half, people who had actually come in to sell heroin and morphine to young kids, was booted out of the city - not by official channels, not through the police, but by the drug community itself, who didn't want anything like that going on.

This is -- this constant reflection of -- on people who use things like marijuana and hashish I think, is utterly unfounded when people come in contact with this type, kind of thing, it is simply because marijuana is illegal, and the simple fact that when anything is illegal, you are bound to come in contact with people who sell additional things illegally as well, and that is heroin, morphine, and so forth.

I think one of the major problems that have to be looked at in regard to all of this, is the fact that very little research has been done, or can be done, on using these drugs. Now, if a Professor on this campus for example, is going to use a drug like the amphetamines, or any of the narcotic drugs, he has to go through a great many official channels to get the drug in the first place, and it takes very, very long for him to do so, even if he is going to use it on animals. To get drugs, drugs that he is using on humans is almost an impossibility.

Take for example the fact that in Canada, I understand in most Provinces it is legal for doctors to prescribe marijuana, but there are no legal channels through which they can obtain it. That means

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2 there is no legal channels through which it can be
3 obtained in order to do research, either.

4 Now, I think these are some of the
5 things that the Commission needs very much to look at.
6 First of all, whatever mafia connections has formed
7 public opinion against marijuana. The second thing, is
8 the fact that there is a great deal of responsibility
9 among people who use drugs, or are in the drug community,
10 in terms of trying to keep people who use and sell heroin
11 and morphine, away from, you know, out of the main stream
12 of the drug community. And the third point is that
13 research needs to be done on this, and I think it is
14 just like any other drug, and we should stop being
15 emotional about it, hysterical about it, and take a
16 good, hard look at some good, hard facts, and the first
17 thing we need to do, is get some facts.

18 THE CHAIRMAN: Thank you. Could
19 you get back to the mike? Maybe if we could just clear
20 a little path there, if it is possible.

21 Thanks.

22 THE PUBLIC: I just wanted to tell
23 a story that I read, that Lennie Bruce tells in one of
24 his books.

25 Two convicts are sitting in jail,
26 and one of them says to the other, "Yes, I started off
27 on marijuana. Naturally I moved to hashish, and then
28 to hard drugs, and of course, I eventually went to
29 crime and finally had to kill someone." He turns to
30 his friend and says, "Look at you, a hardened gambler,

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2 you killed three people in a crap game. How did it all
3 start?" He looks at him and says, "Well, you know, I
4 started off by playing bingo in the Catholic Church."
5 and I don't have to say anything else.

6

THE CHAIRMAN: Here, take this.

7

THE PUBLIC: I would just like to --
8 one of the things I would like to bring up, that perhaps
9 hasn't been mentioned, I don't know, is -- well, just
10 to cite a couple of examples, like a friend of mine, a
11 little boy who had some LSD, a little kid -- I think it
12 was a girl actually, dropped --

13

THE CHAIRMAN: Speak into that.

14

THE PUBLIC: A little kid whose
15 acquaintance I made, took some LSD one morning, was two
16 years old, and the mother was a little upset, you know,
17 because what they were going to do, and the kid was
18 fine. Mostly he was having a good time.

19

But she phoned someone, and says,
20 "Well, what will we do?" He got a little bit paranoid
21 at one point, and had to take him to the hospital, and
22 arriving at the hospital, like, the doctors gave him
23 a blood test, you know, a rectal thermometer, you know,
24 all kinds of things, electrodes on his head, and he
25 freaked out, you know, completely.

26

Another example; I was standing
27 on the corner one day, and I ran across this guy,
28 and he was really hysterical, and I said "What's
29 wrong?" and he said, "Well, these kids come in to the
30 hospital," and he said, "they all took too much LSD."

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2 and I said, "So what happened?" And he says, "Well,
3 the first day they came in, and while the R.C.M.P.
4 were going through their pockets and holding them down,
5 we had to strap them to a bed." And he says, "Oh, it
6 was terrible, they were throwing things, and everything."
7 And he said, "What I really feel bad about, I really
8 feel sorry for those kids, because tomorrow the doctor
9 is coming." I said, "Why do you feel sorry because the
10 doctor is coming?" And he says, "Oh, he is mean, he is
11 really going to give them hell."

12 And it seems to me that the problem
13 is among psychiatrists -- and its very hard to find a
14 psychiatrist that has ever had any dealings with LSD,
15 and you can't deal with it objectively, you can't take
16 electrodes to a person's head, and put them in a room
17 that is sterile, and expect them to have a good trip,
18 or, you know -- if anything is going to freak them out,
19 it is the kind of treatment that people get on arriving
20 at a hospital in a state of, you know, tension or what-
21 ever it is, and I think that something that could
22 really be looked into, is the, you know, providing --
23 you know, providing real instructions to hospital people
24 psychiatrists, on how to deal with someone who is in an
25 intense state of paranoia, and that because I have seen
26 people driven over the brink with what is supposed to
27 be therapeutic medicine, which is supposed to be preventive
28 medicine, you know. It really happens a lot. It is
29 scarey, you know, because the medical profession tends
30 to deal with that in a maze, and when you are dealing

with human beings that are in this kind of state, you can't do that.

And I just want to bring that up, and I would suggest there are a couple of books which are really worthwhile reading, and I think they provide real insight into this kind of thing. One is a book by R.D. Huxley called The Politics of Experience, which is very enlightening, and another one by Huxley about, you know, the doors of perception and heaven and hell, and I suppose everybody has read them, but -- and even I think, Leonard Cohen has said things about the possible use of LSD as a therapeutic medium.

I just wanted to bring that up, because I think it is really appalling, the sort of ignorance that is demonstrated by some of the scientific community dealing with LSD, people who have studied it for twenty years or something, but they never, never take it.

You have to take it to know what it is about.

THE CHAIRMAN: Excuse me. Yes?

THE PUBLIC: I think there is one problem that I myself am not aware of, and a lot of people who are contacted with drugs don't understand.

When was marijuana made illegal in Canada, and why was it made illegal? I don't think a lot of us are aware of the reasons it was originally made illegal. In other words, how valid is the law governing it?

THE CHAIRMAN: Well, we have had a review of the source -- origins of the marijuana legislation in Canada submitted to us, and we will -- we will convey that, or comment on that, in our interim report, but I wouldn't want to comment on the background of it now. I think that that -- you know, that would be -- to assign value to certain of the statements that have been made about the social attitudes that were behind it, but I think it is generally conceded that there was no -- and it is obvious I think, that there was no scientific, or medical, significant body of scientific body of medical knowledge, for the basis of the legislative decision.

It had other -- it had other origins and it has apparently a historical situation with Canadian attitudes toward the control of opium, and indeed, Canadian policy towards Asiatics originally, so that it has got a very special, I think, in Canadian terms, a rather special historical background. Let me just say this, that we are looking at this afresh, we don't consider that we are in any sense bound by the assumptions at the time that it was adopted.

Of course, since those original, or early origins of this, there was this international Singleton Convention, international agreement to control and of course now it has some bearing on Canadian legislative policy.

But I don't think I would want to say more on that, but we are looking at that, and we

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2 have had submissions on it, and we won't ignore it, and
3 we are not bound by it, let's put it this way.

4 THE PUBLIC: I would like to ask,
5 that if you are going to make marijuana illegal, why
6 didn't you make all marijuana illegal, because according
7 to the Criminal Code that I have, complete with revisions
8 etc., only one kind of marijuana is illegal, which is
9 a North American variety.

10 The Indian variety is not, and I
11 would like to know what is the big medical difference,
12 and what is the big moral difference, between the North
13 American variety, and the Indian variety?

14 THE CHAIRMAN: Well, cannabis --
15 it is cannabis sativa. I am not prepared to again give
16 legal opinion, I don't think it is our function to give
17 a legal opinion here, on the scope of the word "marijuana"
18 and the Control of^{the} Narcotic Drugs Act, but the cannabis
19 sativa is what is described in the Schedule, and its
20 preparations, derivatives, and similar synthetic
21 preparations, including cannabis resin and cannabis
22 marijuana -- well, let me just say this. It would be --
23 we have consultants to advise us on this, and I am not --
24 I am not presently prepared to give you a reliable
25 interpretation of all the implications of that item in
26 the Schedule.

27 I note your observation, and we will
28 certainly -- we will certainly, in due course, examine
29 that -- the scope of that, but I am obviously not in a
30 position to go into all of the refinements.

There is a variety, yes, it would cover some Indian ---

I am advised it would cover some Indian -- we have a consultant -- consultants are around and about here. They are welcome to come forward and assist with this.

Would you care to, Dr. Farmilo ?

DR. FARMILO : The young lady has raised a very interesting botanical question, but this has been studied for a number of years, and most botanists agree, that there is really only one variety of cannabis, cannabis sativa. Now, you have pointed out that there is a variety Indica, there are also other varieties, Mexicana, Americana, and so on.

So I think that the main point is, that all of these plants contain certain active constituents, and the identification for court purposes, are on the basis of the chemical constitution of the plant.

THE PUBLIC: Calmly, if you wanted to argue this out with the court, would it be possible to argue if you just took one plant, and another plant, and said this is not a derivative of this plant, it is not a chemical derivative, it is a different plant.

DR. FARMILO : Well, we would identify it both botanically, and chemically, so that I think you would have a hard time overthrowing the scientific evidence on this, but I am sure you would be welcome to try.

THE CHAIRMAN: I permitted that relaxation of our normal rule that we are here to listen, and not to -- we are not a panel to give information, because I was interested in getting an answer to that question myself, but I think that we should -- oh yes, well that is another -- my colleague reminds me that we don't make anything legal or illegal, we are just an independent commission of enquiry to make recommendations, but -- now, yes.

Can you reach this? (Indicates microphone.)

THE PUBLIC: If your recommendation is to legalize marijuana, or to reduce the sentences handed out for possession, or trafficking in marijuana, how -- how forceful do you think that this recommendation will be, to the Government itself, if your recommendation is strongly in favour of either strengthening the sentences, or reducing them?

Do you think that it will have a strong effect, in fact, on the Government?

THE CHAIRMAN: Well, it seems hard to reverse this question and answer flow, but we can't be concerned, and of course we can't foresee what Government reaction will be, to our recommendations, whatever they are. We have had no, of course, intimation of -- no directional intimation, needless to say, of Government expectation from our Commission, and we are not thinking in terms of political feasibility.

We are going to try and understand

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2 this phenomenon as well as we can, and all its facets,
3 and report what we discover as honestly, and directly,
4 and clearly, I hope, as we can, and let the chips fall
5 where they may.

6 But of course, even if you are
7 trying to guess at this, public opinion is a very
8 important factor in such decisions, and relationships,
9 and public opinion has some time to develop.

10 And it is the one purpose of our
11 public hearings to stimulate public discussion of this
12 whole question, and indeed, to exchange our ideas and
13 information with the public, so that we have a better
14 understanding of it at the time our recommendations are
15 made.

16 So not only is it impossible to
17 predict, but it is not only realistic to attempt at
18 this stage, I suggest, because of changes that can take
19 place through the gradual development of this under-
20 standing.

21 But please tell us -- give us your
22 views, because we need a lot of assistance, and we are
23 anxious to know what you think about this thing, its
24 causes, and about the present law, so can we have your
25 views?

26 The gentleman at the back there.

27 THE PUBLIC: The present law is
28 again under --

29 THE PUBLIC: Mr. Chairman?

30 THE CHAIRMAN: I'm sorry, I

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2 recognized a gentleman on the right here, and I will
3 recognize you next.

4 THE PUBLIC: O.K. Thank you.

5 THE PUBLIC: Sorry about that. The
6 law again is up under discussion.

7 I believe that the laws governing
8 narcotic use is a Federal law, therefore, if it is a
9 Federal law, it should be controlled, and the sentences
10 handed out on an equal level, on an equal basis all
11 across Canada.

12 And a friend of mine got busted for
13 an ounce of grass in Montreal a month ago, and got two
14 to five, whereas a girl in Fredericton, New Brunswick
15 got busted for pushing hash, but she had fifty-four
16 tabs on her, Three hundred and fifteen dollars proceeds.
17 She got a three month sentence to run concurrently with
18 day parole. Now, if the Government is going to enforce
19 the law, at least the Government should put some kind
20 of justice into the enforcement, and make it nationwide
21 being a Federal law.

22 THE CHAIRMAN: Yes, that is a
23 question we might address to the counsel of the Depart-
24 ment of Justice this afternoon, when we get around to
25 the question period.

26 The gentleman on the left there.

27 THE PUBLIC: Mr. Chairman, a lot of
28 talk has been going on recently about the harm of
29 arresting people on marijuana, in so far as it takes
30 away a lot of productive members from our society. And

views like this have been put forward by people like Margaret Mead, the Anthropologist, and I would like to make remarks to your Commission with a view that relates very much to this, and that is the effects of legislation against marijuana on people who are not caught, because a lot of people who are not caught are suffering -- are the victims of another type of disease, you know, not the disease of isolation from a society, but the disease of paranoia, and a lot of people that I know personally, and that other people in this room know personally, who take the drug marijuana, have a lot of these feelings of paranoia, because after all, you make the decision of lighting up a joint of marijuana, and you are liable to the same type of punishment as though you went out and raped someone.

So it's pretty obvious that you have a lot of paranoid feelings about it, and if paranoia wasn't widespread, I myself wouldn't feel so shaky about addressing your Committee, and I would like to bring up -- I would like to bring up, I think, the valid point that a lot of these feelings of paranoia are channelled into everyday life, and projected onto authority figures.

For example, a lot of marijuana smokers, habitual marijuana smokers that I have heard of, have a lot of shady feelings about the police, and in this town in particular, we have been trying to promote our police image. We have got posters around -- I don't know whether you gentlemen have seen them, but the common one is the "Support your local policeman"

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2 type of thing, and anyone concerned with the image of
3 the police force should be concerned at the paranoid
4 feelings of the people whom the police have to patrol.

5 The second thing is, similar
6 paranoid feelings can be projected onto political figures,
7 and even people like yourselves, who are members of
8 Commissions. I think this is very dangerous for the
9 fabric of society, and I think you should take this
10 into consideration.

11 THE CHAIRMAN: Yes, thank you very
12 much. Dr. Lehmann?

13 DR. LEHMANN: I would like to ask
14 you, the last speaker, -- I am quite aware, in fact we
15 all are, quite aware of this growing, very widespread
16 feeling of paranoia and the reasons for it.

17 What I would like to know, is why
18 do you endure it? Now, obviously because you want to
19 keep on smoking grass. But you want to pay the price
20 of a very uncomfortable feeling, that influences your
21 whole life style, your attitudes toward other people
22 and so on, day and night.

23 Now, is it because you like the
24 experience of smoking grass so much, or is it because
25 you want to defend a principle of doing what you think
26 is right, and shouldn't be illegal? Is it a question
27 of principle, or is it a question of personal need and
28 gratification, that you endure this paranoia?

29 THE PUBLIC: Well, I suggest that
30 it is very difficult for me to weigh, you know, those

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2 two reasons that you gave. I suppose it is a little bit
3 of each, and I suppose I could honestly say that it was
4 a little bit of each, in the, you know, in a lot of
5 people that I have encountered. It's partly due to the
6 principle, and it's partly due to the point they enjoy
7 it.

8 You might say, why did the early
9 Christians in Rome profess Christianity? After all,
10 Christianity was just another doctrine, it was one
11 religion among many, when the penalties against being
12 a Christian were tremendously so severe. And one of
13 the reasons you might give, is not that they enjoyed
14 the doctrine that much, or anything like that, but
15 it's they had this hope instilled in them, that better
16 times were coming, and that times were changing, and
17 that some day they would be allowed to practice their
18 beliefs with complete freedom, and I believe in the
19 same.

20 Times are changing, and I hope that
21 times are changing with regard to marijuana.

22 DR. LEHMANN: Well, the Christians
23 also were, of course, convinced that they earned eternal
24 salvation.

25 THE PUBLIC: Actually, if you do
26 any investigation, and I am sure you have, into the
27 various, you know, cultists, the drug cultists, there
28 are many drug cultists who believe that you can acquire
29 eternal salvation through the use of drugs.

30 And my second point is, that I

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2 would disagree in suggesting that all Christians believed
3 that.

4 You know, some Christians, you
5 know, were Christians because of the influence on their
6 society because they wanted to partake in this doctrine,
7 you know, and they never had a really complete under-
8 standing of the doctrine, but they did have this promise
9 that, you know, perhaps sometime there would be less
10 penalty to pay in being a Christian.

11 THE CHAIRMAN: Yes?

12 THE PUBLIC: Dean LeDain, you
13 mentioned before about public opinion playing a major
14 role in the formation of laws. Well, I would just like
15 to tell about something that happened this morning.

16 I was at your hearing at the
17 Norquay Building, and I was standing at the back, and
18 there was a chair at the front, and I walked over and
19 sat down, and the C.B.C. cameras were there of course,
20 and a friend of mine sitting at the back saw the
21 director running around saying, "Get that kid on camera,
22 the kid with the hair and the moustache." And it is
23 this sort of sensationalism. I mean, let's face it,
24 Drugs sell copy, that's what it is all about, and it is
25 a sort of sensationalism that is completely destroying
26 any objectivity, and that's just one of the points I
27 wanted to bring up.

28 THE CHAIRMAN: Was this after I
29 asked them not to take pictures?

30 THE PUBLIC: Well, it was a movie

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2 camera -- it was a T.V. camera that was running constant-
3 ly.

4 THE CHAIRMAN: They were told two
5 days ago not to do that.

6 THE PUBLIC: I can't swear that they
7 actually did, but somebody filming ---

8 THE CHAIRMAN: You heard somebody
9 say that ?

10 THE PUBLIC: The director, or some-
11 body connected, came up and said "Get that kid on camera."

12 THE CHAIRMAN: Well, yes, we agree
13 of course with what you say.

14 The point about productivity was
15 interesting. The gentleman at the microphone.

16 THE PUBLIC: I was interested in
17 what the lady in the shades said about members of the
18 drug community, or the soft drug community trying to
19 keep down the use of the hard drugs, and I come across
20 this as a rather general opinion, but a few weeks ago
21 a girl I know was on acid, and she was sort of contemplat-
22 ing shooting up some heroin, and she talked about it,
23 and while she was on the LSD a few of her friends who
24 were very experienced with drugs and so on, and had
25 been in it for a long time, while she was on, you know,
26 on the trip, sort of scared the hell out of her and
27 sort of talked her out of ever trying it, and she has
28 never mentioned it since then. So this is something
29 that is going on in Winnipeg too.

30 THE PUBLIC: Mr. Chairman?

THE CHAIRMAN: Yes?

THE PUBLIC: I was at your meeting this morning, and from the two briefs presented by two of the prosecuting attorneys of the Crown, they both gave the record that those who appeared before the court in B.C. and in Montreal, tended to be from the ages of 15 to 25 on drug offences, particularly marijuana, and as was shown in a recent Life Magazine, we have the section of society which are the more or less middle-aged establishment people who indulge in the privilege perhaps of taking marijuana, and not taking the attitude of completely opting-out, or becoming part of the drug culture, and this seems to me the unfortunate consequence of the law, whereas those, especially young people, by appearance, are more or less in this cult, are very easily chosen, and therefore prosecuted, and this seems to be, if the law is to be just for one and all, a very unfortunate consequence.

THE PUBLIC: I think that point is really a good one, you know?

I remember I wrote something for the minister we had here, and it seems to me -- a few people in the head community have said something, William Durelli* said something about, and Ginsberg too, that the best thing a kid can do nowadays is get himself a suit and cut his hair and hide in the woods somewhere, because I really believe that there is a general tendency toward police state, you know, police mentality. It is getting rather an upper hand on the

* (name not available)

other groups within the society, and marijuana seems to be not so much the concern.

I mean, there are people like yourselves who are very concerned with it from a very objective point, they want to know what is right and what is wrong, but I believe it has become a fact of power. It has become like a point at which the police can grab who they want, and I seriously consider that even -- I swear to this, that even if marijuana was made legal, or even if the kids stopped taking marijuana or the drugs, it would not solve the problem of children getting into trouble with the law. I really do think that it is a question of a fantastic general paranoia of young people, of coloured people.

It is really a problem, and marijuana is -- the point of which people get trapped. I mean, I wish people wouldn't smoke it, because it is dangerous and that it gets you in jail, you know, that is the danger of marijuana that I have seen, and I -- I think that is the angle -- I think the Drug Commission or anybody investigating this problem, if only they'd take it to a level like that can they make much sense out of it, that there are, you know, competing forces, financial forces, economic forces, mafia, business, youth, it is incredible, you know.

I don't think it is really a question of the drug. The drug is not the disease, the drug is a symptom of the disease and the investigation must be made of what is a disease of young people, you know,

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2 because I am convinced that what happened was a sort of
3 a spiritual vacuum being created among the society, and
4 the drugs became -- nothing appears -- things appear.

5 Like twenty years ago, no one would
6 have bought LSD because the need wasn't there. The need
7 probably was there for liquor to sort of release some
8 sort of sexual inhibition, or something, but now the
9 release is for finding something apart from reality
10 which is a spiritual need, and I think LSD for example,
11 was simply a kind of a catalyst, and I am sure that it
12 will pass by, but the investigation I think, will really
13 get confusing if it just deals with who sells the drugs
14 and tries to establish cause, effect or relationship,
15 because cause and effect is not -- that's not it. It's
16 a matter of emotional hysteria.

17 I went to a meeting and I suggested
18 something like this, a Home and School meeting once, I
19 just asked a simple question like "Why are the kids
20 taking drugs, and why are they dropping out of school?"
21 and everybody got hysterical. There was people over
22 here who were yelling at me, and they took the mike from
23 me, it was crazy, you know, and I think that is where
24 you really find out, you know, like what ---

25 There is a citizens committee in
26 Minot, North Dakota, has been set up by the Teamsters
27 Union, a man from the Teamsters Union has offered
28 Ten thousand dollars to citizens, to refer -- for
29 apprehending felons under the Drug Act. I mean the
30 Teamsters Union men, I mean that is downright mafia

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2 itself, as far as I am concerned, and the fact there
3 are people forming vigilante committees -- and I think
4 it was in Quebec that a bunch of guys took a hose and
5 hosed a bunch of kids out of their house with a fire
6 hose because -- it wasn't because they were smoking
7 drugs, because no one knows what drugs are, they are
8 afraid of the hair. You are guilty of having hair, you
9 are guilty of having a good time, you know, and I think
10 that is where your guilt comes.

11 It is -- you know, drugs is a red
12 herring. It is a red herring, and perhaps the harder
13 drugs are not, you know -- smoke red herring, yes. No,
14 the harder drugs -- but who sells the hard drugs? I
15 know who sells the hard drugs. It is a bunch of creeps.
16 You know, really. There's a bunch of people I wouldn't
17 want to have to talk to, you know?

18 It is a criminal element that is
19 dealing in hard drugs, and they would like to get a
20 monopoly on it, but I don't know, I could talk forever.
21 I had better not, though.

22 THE PUBLIC: I tend to disagree
23 with Mr. Donoghue. I think that the important factor
24 here is the cause of the drugs.

25 I think all the parents are really
26 hung up because they think their kids are depressed,
27 and they are not doing well in school, so they turn to
28 drugs, but actually most of the people here have taken
29 drugs, or they wouldn't be here, and I think they take
30 it just for an experience, just because it is like going

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2 to the show. It is an entertainment, and if the parents,
3 you know, the parents didn't think that we took it
4 because we were really hung up, and if we were really
5 worried, then there wouldn't be any problem.

6 Why is everybody trying to prohibit
7 drugs? Because they think it is having a bad effect on
8 society. But actually the bad effect on society is the
9 paranoia that Mr. Schrack described, it is the fact that
10 all these kids are feeling bad about what they were
11 doing, so they get paranoid. If they were left alone,
12 then this would just be a normal experience, like drink-
13 ing, like going to the pub on a Friday night.

14 THE PUBLIC: But don't forget in a
15 place like this we get into -- like in Winnipeg you are
16 dealing with one very cross section of the community.
17 We are dealing with -- what now we have, we all consider
18 ourselves revolutionaries. We are a bunch of privileged
19 people. We come from a very good ^{income} / background, most of
20 us, we come from a certain class of society, and so
21 therefore, I mean within the confines of this insulated
22 place called the University College, I mean, who is
23 going to get busted? I mean, it's not the rich kids
24 who are coming out and being arm-chair revolutionaries
25 who have to work above it, it is the people who are
26 coming from problematic -- the kids who are going to
27 graduate from heroin and stuff, come from a different
28 background, they don't have the protection of University,
29 they don't have the protection of the law and drug
30 commissions, and they have got the police outside and

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2 they have got to make their mint, you know, and there
3 is where the problem has to be met, because again it is
4 not -- you don't become addicted to the drug, you become
5 addicted to a life-style, a sort of degenerate life-
6 style of hopelessness, a circle of hopelessness and that
7 is what you become addicted to.

8 The only meaning is the drug, you
9 know, it's the only thing you have got left. I mean
10 I don't know. So the causes are so deep, it is crazy.

11 THE PUBLIC: Well, I think if you
12 are going to help this Commission and the people here,
13 you have to stand up and tell this Commission why they
14 are taking drugs. That is what they want to know. They
15 want to know why people are taking drugs, and why they
16 think it shouldn't be prohibited, and all we are doing
17 is questioning them on their morals, or their rules.

18 THE PUBLIC: Right.

19 THE PUBLIC: I think on the question
20 of whether people are taking drugs, both the two speakers
21 are correct. People take drugs because it is like going
22 to a show, because it is fun, and the world-wide pattern
23 of drug-taking is also because of the world in the '60s.
24 It is because -- it is the same reason why kids are
25 dropping out of school, why kids are just dropping out
26 of everything and roaming around the country. It is a
27 world-wide symptom of something much larger. It is
28 because of Viet-Nam, racism, Biafra, it is because of
29 everything. It is because of the kids themselves. And
30 you have to examine both the immediate -- well, we take

2 it because it is there, because it is fun -- and just
3 the world-wide pattern and that's -- the world-wide
4 pattern unfortunately, is something the Commission can't
5 change.

6 What I would like to bring up is,
7 the mention of police has brought another point. I don't
8 know exactly the figures in Winnipeg, how many policemen
9 are involved with going after the marijuana fiends, but
10 I know that it is too many, even if it is one. It is
11 ridiculous that even -- even that public opinion has
12 made marijuana so ridiculously out of proportion that a
13 Commission of ten, fifteen people, have to go across
14 Canada, that hundreds of kids have to skip their class,
15 to come here, the Commission that is going across Canada,
16 that all this money is being spent on a weed, and that
17 the police are spending thousands of dollars putting up
18 crappy posters, and the police are spending even more
19 thousands of dollars paying the salaries of the police-
20 men who are going around hunting these marijuana fiends,
21 for what, for smoking a weed.

22 It is like -- it even goes farther
23 than this. They are spending thousands of dollars for
24 the police to stand in public washrooms, waiting to see
25 whether men stand at the urinals. I mean, why? Crime
26 is going crazy. In Montreal they are going nuts down
27 there. Everybody is killing, murdering, looting, raping,
28 and what the hell are the police doing? The police are
29 standing in urinals waiting to see whether ---
30 --- Applause.

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Something must be found. The police must be taken out of the urinals, and out of crypt, and out of the U.C. Lounge where apparently the paranoiacs have said there has been a bust in the Schedule for five weeks now. They must be taken out of all of this, they must be put back in the streets where they belong, helping to calm down the crime that is really important.

The looting -- if the looting stopped then everyone would become much calmer than you find all across -- there is thousands -- I don't know, in Washington this week end -- I think there should have been twenty-five thousand troops of the U.S. Army taken out of Viet Nam and sending them back to Washington to watch out for the protestors.

I mean, all of these people, all of these policemen could be doing what their job was originally scheduled for, to stop the important crime, the crime against the personal property and personal lives of people. That must be saved. Not the minds of these people who, you know, are taking something just for enjoyment, and we must put back our perspectives and values where they belong.

--- Applause.

THE PUBLIC: A thing that was mentioned before about what punishing people for the use of marijuana does to the people who are in jail. That is the people who are in jail. And I think this is very important.

I know one case in Winnipeg recently,

where a person was incarcerated for a period of six years for selling marijuana, and this person -- well, whatever a person might think about selling things, I don't think it is any different from selling liquor, bootleggers.

What do bootleggers get for illegal selling? Maybe a fine of one hundred dollars. This person was sent to jail for six years.

In the conditions in jail, he finds that he has to turn into a homosexual because he won't have any sexual release for six years, he will probably be turned into a hardened criminal because he is with a criminal element, and this happens to quite a lot of people, other person I know of who had never committed a crime before, who was found in possession of hashish and is now in jail on a six month sentence, and will obviously run into all these criminal elements, so you are taking people in jail for the use of marijuana, you are turning them out criminals, and you are increasing the criminal problem in Canada.

I think this is very important, and we are creating a criminal class by putting people in the prisons, and the jails of the country.

In California there were thirty thousand people right now, right now in their prison system under -- because of drug usage, and that is a hell of a lot of people. It costs two thousand dollars a year to support these people in prison, two thousand times thirty thousand is sixty million dollars a year

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2 spent because some people think more and more, marijuana
3 is illegal. And this is just one State in the United
4 States. I don't know what the figures are for Canada.

5 And whether -- if people think that
6 drug use can be stopped by putting the people in jail,
7 they are wrong there again, because when I was in
8 Vancouver, people were telling me that when there is
9 no cannabis to be had in Vancouver, at one time you
10 could -- inside the jail people could get it.

11 People could also get hard drugs
12 since morphine and heroin was in the jail system. They
13 can get it from other prisoners, they can get it some-
14 times from guards. And I think that whatever people
15 think about the morality of the usage of marijuana, the
16 punishment is fantastic. They are throwing the baby
17 out of the bathwater. It is just horrible.

18 THE PUBLIC: I don't know if this
19 works, but anyway, -- I maybe can tell you of what has
20 happened in, say, the last five years.

21 I came from Toronto originally. You
22 gentlemen were speaking to a gentleman named Norman
23 Kinnean*in Toronto, in Yorkville, I believe, a couple of
24 years ago. I grew up about this time with Norm.

25 THE CHAIRMAN: Could you get a little
26 closer to the mike?

27 THE PUBLIC: Yes. Five years ago
28 they started to put the heat on in Toronto, and they
29 came down and they said "We are going to clean this mess
30 up, and we are going to get all the junkies and dope

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2 fiends, and people who push. Well, this is five years
3 ago. All they managed to do in Toronto was remove the
4 better people, people that were on the underground and
5 who were controlling the better drugs, and bringing in,
6 say, proper lysergic acid, good drugs, solid drugs. Not
7 drugs with meth and this type of thing in it. Well,
8 slowly they boxed these people off, and cleaned them up,
9 and put them away, put them in jail, and as soon as they
10 got them out of the system you have all this other stuff
11 coming in, meths and poorer types of acid, with all kinds
12 of garbage mixed into them.

13 Basically the same thing is happening
14 here now. They slowly moved the more dependable people
15 who feel that there is something behind it besides money,
16 and these other elements come in and just -- just get a
17 lot of garbage on the street now. It is very difficult
18 -- there is only about maybe two sources in this city,
19 where a young person can go and get a drug, lysergic
20 acid, and know that he is not going to get strychnine
21 or something like this, in it. And this is about all
22 they have accomplished in five years. They busted --
23 the last time they busted in this city, and I can
24 guarantee that two years later there was twenty thousand
25 tabs of LSD on the street. And it just increases.
26 Every time they bust it, it increases three-fold. And
27 all these people who bring it in, aren't just bringing
28 it in for the money, they are just doing it in alienation.

29 I mean, you know, a friend of mine
30 gets busted tomorrow, goddamnit I am going to bring a

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2 lot of stuff into this city. I mean, you know. As far
3 as one person -- said that a lot of kids just use drugs
4 for fun. Well, there is different types of people and
5 different people use different things. Some people have
6 religious grounds behind their feelings, other people
7 have religious grounds behind their feelings, other
8 people use it to, let's say just for a drink, to get
9 away and relax, and it is -- and other people it is
10 sort of an intellectual escape, but as I say, there has
11 been no progress made, they haven't stopped drugs, they
12 are not going to stop them.

13 There is a lot of persecution going
14 down, culture persecution going down on this. I really
15 don't know -- it is all very silly. It is insane. I
16 don't really understand it myself.

17 Thank you.

18 THE CHAIRMAN: Yes?

19 THE PUBLIC: There is a fairly
20 relevant point to take back to the Finance Minister,
21 that it was estimated last year that three and half
22 million dollars was spent on the policemen's salaries
23 for combating the illegal use of marijuana.

24 Now, instead of spending three and
25 and a half million dollars a year, the Government offers
26 to ~~buy~~ into marijuana, if they were to legalize it, we
27 could not only buy it at a reasonable price, but the
28 Government is estimated to make between Thirty-five and
29 Fifty million dollars a year on the taxes on it.

30 --- Applause.

THE PUBLIC: Could I just ask on a show of hands here, of people who smoke dope.

THE PUBLIC: How many have? (A show of hands)

THE PUBLIC: Over three times? (A show of hands)

THE PUBLIC: Over fifteen times? (A show of hands)

THE PUBLIC: I would just like to make a point that is really strange when you take a look at this college, and the number of smokers. I imagine with the attendance, the members of the University College approximately seventy percent, you know, smokers of marijuana. When you take a look at, though, the numbers that are prosecuted -- as a matter of fact I don't know anyone in the past few years who happens to be a member of the college. It's really a shame the kind of people that are being taken into the jail. It is the kind of people who live down on Toronto Street, Stall, those are the people who can't afford to get a half decent lawyer.

Right here we are untouchable. We are in the top income tax brackets, you know, we have nothing to really worry about, really. If they step on too many toes, then the law is going to be changed, when the people with power have their sons and daughters, you know, taken into jail. Until then -- until people are prepared to take full responsibility, then the police are going to start having an equality in law. You are

going to find that things aren't going to change at all. You are going to find the same people thrown into jail.

THE PUBLIC: A few weeks ago, I think the inquiry into the Criminal Code, the Ouimet Report, recommended that all supposed crimes that don't harm society, should not be considered crimes. This would be one of those types, but we noticed that, you know, that this crime of law enforcement in this area is greater than law enforcement in other areas, and I don't think it is because the police and society think that this crime happens to be more harm than the people that are doing it, but because of the fact that this is a sort of rebellion against society, this challenge into values of society. That is why there is more law enforcement in this area than others.

And getting back to that mentioned a while ago, you know, where police put most of their efforts, you know, into this area instead of into other areas, where we hear that under the Food and Drug Act there are a number of medicines that, you know, they tried to take off the market, and you know, companies are bringing into court, long drawn out suits, and they haven't been able, as yet, to take off any -- where you have food manufacturing plants where, you know, there might be rats, or other contaminations, and there is maybe a hundred dollar fine after a three year court case, and they just keep right on doing it, where companies are colluding to fix prices and to cheat the

public, and you know, again after three years court case there is a hundred dollar fine.

And when you look at somebody who happens to have possession of drugs, is given a number of years, and a larger fine.

THE CHAIRMAN: Dr. Lehmann?

THE PUBLIC: I would like to -- I would just like to make one point that I think was made before, although not quite so clearly, and this is the point that a law against marijuana can be used as a tool for a systematic discrimination against a particular class of people.

For example, in Winnipeg recently, there was a large number of persons arrested for the use and selling of marijuana and other drugs, and we noticed that these people were all either high school drop-outs, pool hall hanger-outs, etc. In other words, they were all among the lower class.

We also noticed that none of the middle class kids, none of the middle class users, have been arrested for the use of marijuana yet in Winnipeg. Well, one or two have actually. No older persons have been.

In the United States right now, it is a well known fact that marijuana -- the marijuana laws have been used for discrimination for the arrest of persons of various political persuasions, and the fact that this law may be used in this way is, I think, a substantive enough reason for not having a law of this

sort.

Any Government that is concerned with civil liberties must be very careful to not allow any law which can be used to discriminate against any persons -- against persons of a particular political point of view, or of a particular class.

THE CHAIRMAN: I guess that is the hour of adjournment.

THE PUBLIC: Mr. Chairman? Just in accordance with the way the discrimination of the law goes.

When the first couple of busts happened in Winnipeg, for possession, and people used to get a two year suspended sentence. I think it is quite unfortunate that if you get a suspended sentence and you think you have gotten quite a light sentence when the police can haul in a person and say, "You have a suspended sentence, but unless you co-operate with us, we will drop it, and you will go to jail." I think that is a little abuse. Not a little, quite a bit.

THE PUBLIC: I don't think anybody can argue that there are some disadvantages to society in taking drugs.

I mean that obviously for some people, it is going to have ill effects, for some people that are going to have bad trips, that are going to kill people, or rob or something, but this is true of anything, this is true of war, this is true of taxation, this is true of anything in society.

What you have to do is, I think, look at it from a purely utilitarian point of view.

What is going to -- what kind of law can you make that would be the best for the -- do the most good for society. And I think if you look at it this way, and if you try to ignore the stigma that has been put upon the use of drugs, upon youth, I don't think you can come to any other conclusion but that something like marijuana should be legalized.

THE CHAIRMAN: Thank you. Well, we could go on. You have been very helpful. Unfortunately we have to be back at 2:30 -- not unfortunately, we are looking forward to getting back, but we have to keep moving.

We will be back at 2:30 at the Norquay Building. We will be here of course, all day tomorrow, and we hope that you can find the time to come and contribute some of your views to these public hearings.

Thank you very much.

THE PUBLIC: Mr. Chairman, on behalf of University College, and the Students' Society, I thank you for coming. We thought at first it was a dubious honour to single us out, but it is an honour.

Thank you.

THE CHAIRMAN: It is an honour to be received.

--- Upon adjourning at 1:30 P.M.

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COMMISSION OF INQUIRY
INTO THE
NON-MEDICAL USE OF DRUGS

COMMISSION D'ENQUÊTE
SUR L'USAGE DES DROGUES
À DES FINS NON MÉDICALES

November 12, 1969
Norquay Building
University of Winnipeg
WINNIPEG, Manitoba

COMMISSION OF INQUIRY
INTO THE
NON-MEDICAL USE OF DRUGS

COMMISSION D'ENQUETE
SUR L'USAGE DES DROGUES
A DES FINS NON MEDICALES

BEFORE:

Gerald LeDain,	Chairman,
Marie-Andree Bertrand,	Member,
Ian Campbell,	Member,
H. E. Lehmann, M.D.,	Member,
J. Peter Stein,	Member,
James J. Moore,	Executive Secretary.

COUNSEL:

J. Bowlby, Q.C.,	Counsel for the Commission.
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RESEARCH:

Dr. Ralph Miller,
Dr. Charles Farmilo.

SECRETARY TO THE CHAIRMAN:

Vivian Luscombe.

November 13, 1969
Norquay Building
University of Winnipeg
WINNIPEG, Manitoba

COMMISSION OF INQUIRY INTO THE NON-MEDICAL USE OF DRUGS

Norquay Building, University of Winnipeg,

Winnipeg, Manitoba.

November 13, 1969.

--- Upon commencing at 10:00 A.M.

THE CHAIRMAN: Good morning ladies and gentlemen. I now call this hearing of the Commission of Inquiry into the Non-Medical Use of Drugs, to order. Thank you.

I should first introduce the members of our Commission and staff.

To my far right, Dean Ian Campbell of Montreal; to my immediate right, Dr. Heinz Lehmann of Montreal; I am Gerald LeDain; on my left, Mr. James Moore, Executive Secretary of the Commission; on Mr. Moore's left, Professor Marie-Andree Bertrand of Montreal, on Miss Bertrand's left, Mr. J. Peter Stein of Vancouver. At the table on the left, members of our staff, Mr. John Bowlby, Q.C., Legal Counsel to the Commission; on his left, Dr. Ralph Miller, Research Associate; and Mrs. Vivian Luscombe, my Secretary on the Commission, and other members, Dr. Charles Farmilo who is observing the hearing.

Now, I should like to make a statement concerning the background of the Commission's appointment and its terms of reference.

The Commission of Inquiry into the Non-Medical Use of Drugs was appointed by the Federal Government on the 29th of this year, upon the recommendation of the Hon. John Munro, Minister of National Health

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2 and Welfare.

3 The Commission has an independent
4 status under part 1 of the Inquiries Act. The members
5 of the Commission are -- well, they have been introduced
6 to you.

7 The concern which gave rise to the
8 Commission is described in Order in Counsel P.C. 1969 -
9 1112, which authorizes the appointment in the following
10 words:

11 "There is no doubt there is growing
12 concern in Canada about the non-medical use of certain
13 drugs and substances, particularly those having sedative,
14 stimulant, tranquilizing, or hallucinogenic properties,
15 and the effects of such use on the individual, and the
16 social implications thereof.

17 Within recent years, there has been
18 developed also the practice of inhaling of the fumes of
19 certain solvents having an hallucinogenic effect, and
20 resulting in serious physical damage, and a number of
21 deaths, such solvents being found in certain household
22 substances. Despite warnings and considerable publicity
23 this practice has developed among young people, and can
24 be said to be related to the use of drugs, for other
25 than medical purposes.

26 Certain of these drugs and substances
27 including lysergic acid (LSD), methamphetamines, commonly
28 referred to as speed, and certain others, have been made
29 the subject of controlling or prohibiting legislation,
30 under the Food and Drug Act, and cannabis (marijuana) has
been the subject, possession of, or trafficking in, which
has been prohibited under the Narcotic Control Act.

Notwithstanding these measures and the competent enforcement thereof by the R.C.M. Police and other enforcement bodies, the incidence of possession and use of these substances for non-medical purposes has increased, and the need for investigation as to the cause of such increasing use has become imperative.

In announcing the Commission's appointment, the Minister of National Health and Welfare spoke of the grave concern felt by the government at the expanding proportions of the use of drugs and relating substances for non-medical purposes.

The terms of reference of the Commission, mentions sedatives, stimulants, tranquilizers, and hallucinogens.

For the present the Commission understands "drug" to mean any substance which chemically alters structure or function of the living organs, and psychotropic drugs are those which alter sensation, feeling, consciousness and psychological or behavioural functions.

The Commission has tentatively defined medical use in terms of generally accepted medical practice, whether under medical supervision, or not. All other use is non-medical use.

By itself, a prescription does not distinguish medical from non-medical use. A non-prescription drug like aspirin can be taken for medical use, or a prescription drug may be taken for generally accepted medical reasons, then no longer required.

The Commission is invited by its terms of reference to marshall the present fund of

knowledge concerning the non-medical use of drugs, sedatives, stimulants, and other psychotropic drugs or substances. But since an interim report is expected within six months, and a final report within two years, the Commission will have to be selective: It must consider what appear to be the principal issues which led to its appointment.

The Commission has the initial impression that its primary focus must be on the non-medical use of drugs by the young, and by adults as it relates to, or affects the use of drugs by youth. The Commission has drawn up a preliminary classification of psychoactive drugs which falls into the following eight categories:

Hypnotic sedatives, stimulants, psychedelic-hallucinogenics, opiates, narcotics, volatile solvents and gasses, analgesics (non-narcotic pain killers), clinical anti-depressants and major tranquilizers.

The Commission sees its primary emphasis on the following categories:

First is psychedelic-hallucinogenic, which includes cannabis, marijuana hashish, LSD and mescaline, and the other restricted drugs placed under the new schedule J of the Food and Drug Act, DMT, STP,

Secondly, the stimulants, including such amphetamines as benzedrine and methadrine, generally referred to as "speed".

Thirdly, the volatile solvents and gasses often referred to as "delirients" such as glue, nail polish remover and paint thinner.

Fourthly, the sedative-hypnotics such as the barbiturates used as sleeping pills, the minor tranquilizers and ethyl alcohol.

Fifthly, the opiate narcotics such as heroin.

Alcohol and nicotine are clearly mood-modifying drugs, used for non-medical reasons and therefore, within the terms of reference.

However, the Commission could not possibly perform its task if it were required to consider the extensive research carried out in the substances. A realistic view compels the Commission to regard the non-medical use of alcohol and nicotine in their relation to the non-medical use of other psychotropic drugs.

This is also the Commission's position, at least initially, on the non-medical use of the opiate narcotics such as heroin. These so called "hard drugs" are not excluded from the terms of reference because they do have psychotropic properties. But as with alcohol and nicotine, the Commission can not hope to do justice to the extensive literature on the subject.

The "hard drugs" are therefore to be examined in their possible relationship to the non-medical use of the "soft drugs".

Two contentions brought to the Commission's attention, may illustrate what is meant by "relationship" to the non-medical use of "soft drugs". The first contention is, that extensive social use of alcohol not only creates a permissive climate of drug use, but also reflects a provocative injustice, and even hypocrisy in our legislative and law enforcement attitudes.

The second contention is that the use of certain soft drugs like cannabis, marijuana, leads very often, if not generally, to hard drug addiction.

What are the issues in the inquiry? The Commission must investigate the extent of the non-medical use of mood-modifying drugs in Canada. That means the pattern of drug use, the drugs, and various groups or populations involved according to age, occupation, etc.; the movement from one drug to another.

The Commission must investigate physical and psychological effects of these drugs, the effects on behaviour of the individual concerned, effects on others, and effects on society.

Finally, and by no means least important, the Commission must investigate the reasons for the non-medical use of drugs. Not only the personal reasons or motivation, but the social, educational, economic, philosophic, and other reasons. In other words, what is the meaning or larger significance of this phenomenon? What is the true nature of the challenge it presents to our civilization?

We have accepted a very difficult task, and we need your help. It is imperative that we have the views of as many Canadians as possible. This is not solely a technical question for experts, it is a broad social issue going to the very nature of human existence in our time.

It is a question to which everyone can contribute a measure of insight and wisdom, and for this reason we desire that in these public hearings there should be as much public discussion of this

question as possible, and that there should be an atmosphere that is congenial to such discussion. It is not necessary to have a formal, or written, brief. We welcome informal statements.

Everyone should feel free to contribute. It has been our experience at our public hearings so far, that we have had free exchange of views, and we hope that will be the case here.

We do have some scheduled submissions, but at the conclusion of each of these, there will be an opportunity for questions and comments, observations from all present.

I should make perhaps a few observations about cameras. We have expressed the wish in our hearings so far, that cameras should not be used to take pictures of participants who come forward to address the Commission.

Sometimes alluding to their own experience, the press and other members of the media have been most co-operative in complying with this request, and I would make the same request here.

I should say, we have been asked several times just what the position is with respect to self-incrimination, and so on. We are empowered and are glad to take evidence privately and anonymously. We are empowered to withhold the identity of anyone who wishes to give evidence to us.

Indeed in general, we have no desire to identify particular individuals with particular knowledge. We are interested in the general conclusions that are drawn from experience and knowledge and advice, opinion, as to our present approach, the attitude of our

present approach in Canada; to this question. We, of course, have an understanding at the highest level, that our inquiry will not be exploited or taken advantage of for law enforcement purposes.

I certainly expect that to be respected, and I would want to know if it was not. But anyone who speaks to us, should realize that if they have something to say to us, should feel that if it is better said in private we should be glad to hear it in private.

Now, I am going to call upon the legal officers of the Department of Justice, who will make a statement to the Commission, on behalf of the Department, and we will have an opportunity to question, all of us, at the conclusion of this statement.

The members here this morning on behalf of the Department of Justice, Federal Department of Justice, are Mr. Phillippe Landry, Q.C. of Montreal Regional Office; Mr. Norman Chalmers, Q.C., Director of the Toronto Regional Office; Miss Norma Christie of the Vancouver Office; Mr. Murray Hyde of the Vancouver Office; and Mr. John Malone, Prosecutor in the Toronto Regional Office.

I believe Mr. Landry will be the first to address us. If you would like to be seated at the table, Mr. Landry.

THE CHAIRMAN: We have translators and we are in a bilingual region, I believe, so everything is addressed in both of those languages. Of course, everyone in this hall is quite free to speak either in French, or in English.

8 (a)

PRESIDENT: Je dois vous dire que
nos audiences peuvent procéder dans les deux (2) langues.

Nous avons toutes les facilités de
traduction. Nous sommes dans une région bilingue et
toutes les procédures peuvent être transcrites dans les
deux (2) langues.

Maintenant tout le monde ici est
parfaitement libre de nous adresser ses représentations
dans la langue française ou la langue anglaise.

1 MR. LANDRY: Mr. Chairman, I do
2 believe that I come from a bilingual area, therefore I
3 will avail myself of my privilege of addressing this
4 Commission in English.

5 Mr. Commissioner, Miss Commissioner
6 Bertrand, Mr. Commissioners---

7 THE CHAIRMAN: Excuse me, Mr. Landry,
8 I believe we have to speak quite closely to the micro-
9 phones here.

10 MR. LANDRY: Would this be better?

11 First of all, we have thought that we
12 who are engaged in the prosecutions, and enforcement of
13 the laws relating to drugs in Canada, should come before
14 this Commission, not as representatives of the Department
15 of Justice as such, but strictly as individuals and pre-
16 sent your Commission those facts that have come to our
17 attention during the course of our work in this field.

18 Firstly, I would like to make it
19 clear that the views that may be expressed by the prose-
20 cutors who are present, are not necessarily the vies of
21 the Department of Justice, but are our own personal
22 views on the different subjects that will be discussed.

23 As you have mentioned, Mr. Chairman,
24 we have here people from our district office from Toronto
25 and Vancouver and I am from Montreal, and as such I have
26 been engaged in the prosecution of matters coming within
27 the realm of drug laws, towards the end of 1965 in
28 -- the early part of 1966. I have also had the privilege
29 in Montreal, of attending a number of public panels,
30 discussions with young people, and it may be that in

1
2 my brief, I may go a little bit outside of information
3 naturally gathered through court work, and my brief may
4 reflect some questions that may have been raised from
5 time to time, during the course of my participation in
6 public discussions with younger persons in respect to
7 this matter.

8 I do not intend to cover in this
9 brief, the problems raised by the addiction to heroin,
10 nor the problems raised by the heroin addicts, however,
11 I will mention heroin for its possible relation to the
12 so called "soft drugs", and I will also discuss heroin
13 inasmuch as it might reflect a new aspect of the drug
14 problem amongst our teenagers and young adults.

15 The statistics that were recorded
16 with respect to cases will be all-inclusive and will
17 not necessarily reflect those cases where there have
18 been convictions, including all the figures with respect
19 to people arrested. I would like, first of all, to
20 cover what we do believe to be the major drugs of use
21 or abuse in the Montreal area.

22 My colleagues from Toronto and
23 Vancouver will cover the same aspects with respect to
24 their own area, but I know that the situation in Montreal
25 is about the same as in Toronto, and Vancouver, and in
26 fact has followed the developments in Vancouver and Toronto.
27 The information available in Montreal indicates that prior to 1960
28 marijuana, hashish and LSD was not present to any extent,
29 in the Montreal area. However, heroin had been present
30 in the area before 1966, and it would appear that in
the period 1960 to 1966 there was a total number of
known
no more than approximately seventy-five heroin addicts
in the area, so that Montreal, as far as heroin has

always been an area where the active addict population was limited.

In 1965 and the early part of 1966 it became evident that marijuana was becoming a drug of use, or abuse. Cases relating to marijuana became more frequent and the quantities seized were increasing. The largest quantity seized in Montreal involved seventeen kilos, and it was a young boy arriving by train from New York, nineteen I believe, who had this in his possession.

We have this incidence increasing, not only in the number of cases, but in the quantities that would be seized from time to time.

I have heard it mentioned in many quarters, that hashish was not a very important drug of abuse in Canada, and on the North American Continent. Now, in Montreal, hashish made its appearance in the same years, 1966-67. In fact, I remember our first case did involve a ten dollar cube of hashish, and we were surprised to find this at the time, because this is a substance coming from the middle-east and not Mexico or the southern United States.

The number of cases relating to hashish as of 1967 began to increase, but not only that, the quantities seized became very important. In fact, the largest seizures made in Montreal, are not of marijuana, but of hashish.

For instance, in October of 1968 we seized a total of forty pounds. In July, 1969 we seized a total of thirty-one point five pounds, in August, one parcel, one hundred and thirty-one pounds, twelve pounds in September, six pounds in October, and thirty-seven

pounds in November.

From July of 1968 to the end of June, 1969, the total number of prosecutions relating to marijuana was two-hundred and five. For the same period, the total number of prosecutions relating to hashish was one hundred and twenty three, so it is clear that hashish is coming very, very often, with respect to marijuana.

I would like to say, with respect to the figures, the totals I will mention in a few minutes, will not necessarily correspond with these figures, as there is some overlapping in some cases, where there is marijuana and hashish.

During the period 1966 to date, LSD has been also known as an important drug of abuse. However, it must be borne in mind that because of the legislation, until last August, seizures of LSD have been very limited. Until the recent amendments, the only prosecutions that we had relating to LSD were cases where the quantities were sufficient to infer the intent to sell, the largest seizure that we had was in 1968, where a boy of seventeen was charged with trafficking of more than two thousand capsules of LSD.

With respect to heroin, we talk quite a bit of Montreal, but it should be borne in mind that Montreal is a major port of entry for heroin coming in on the North American Continent.

The heroin seized in Montreal is not heroin which is to come on the Montreal market, but most of it goes into the State of New York.

Since September, 1968, an important

development has been noted in the field of heroin. This development may be of great importance in the discussion relating to the possible interrelation between heroin and the other drugs of abuse.

The number of drug addicts has progressed substantially in the area, and most of the new addicts are under the age of twenty-five.

Some changes have also occurred, not only in the usage, but in the distributing of heroin. For instance, in one case, if I could mention, an eighteen year old was accused of the possession of heroin for the purpose of trafficking.

Amphetamines, barbiturates have been known as drugs of abuse, and methamphetamine more recently became -- came on our market.

But in view of the fact that possession of these drugs, unlawful possession is not an offence, the number of cases relating to these drugs, has been very limited.

For instance, one case in June involved a seizure of seven pounds of amphetamines in bulk.

I would like to say a few words about what we see as the sources of these drugs.

Marijuana that we have in Canada, in general, and in the Montreal area, all originates from Mexico, or the southern parts of the United States.

MR. CHAIRMAN: Excuse me, Mr. Landry, I wonder, there are a number of people who don't seem to be able to get a seat, but we see seats around here.

I wonder if people will be kind

1
2 enough to remove their coats from seats, and if others
3 could come now and find a seat, we will just pause for
4 a minute here.

5 There are a number of seats avail-
6 able here. Please come forward now, and find a seat.
7 There are some seats up here in the corner, and some
8 seats up here if you would like to come up.

9 Would you please proceed.

10 MR. LANDRY: Now I was just mention-
11 ing the sources of these drugs, marijuana has been coming
12 in from Mexico and the southern United States. Hashish
13 arrives from the Middle-East. In fact, a recent seizure
14 of one hundred and thirty one pounds, which has been
15 mentioned, came from Afghanistan and was sent by post.

16 The heroin comes from Paris, Mar-
17 seilles, and as mentioned previously, most of the heroin
18 imported via Dorval Airport is taken to New York. Some
19 of this heroin will be taken back to Montreal as the
20 need arises. Couriers arrested at Dorval arrive from
21 Paris and Marseilles.

22 With respect to barbiturates,
23 amphetamines, and metamphetamines, we have never seen
24 a source, of legal laboratories in the Montreal area.

25 We have had one recent case where
26 amphetamines were destroyed at Montreal, and somehow
27 somebody managed to steal the amphetamines just before
28 they were put in the fire, and I suspect that the
29 seven pounds of amphetamines that we have were all to be
30 destroyed by a leading company, and somehow they were
stolen at that stage.

We have two cases pending with

1
2 respect to this matter.

3 I understand that in Toronto and
4 Vancouver, some labs have been located.

5 Drug users. In the case of marijuana
6 and hashish, for quite some time it appears that the
7 marijuana and hashish used is found in the neighbourhood
8 of the eighteen to twenty-two age group; although recent-
9 ly, we have heard from school principals, and you may
10 have also the same information, that could go as low as
11 twelve years of age, with respect to the use of marijuana.

12 In fact at a recent panel where I
13 was mentioning that one of the suggestions made to this
14 Commission, was to possibly make marijuana available at
15 the age level of twenty-one, and one kid said this was
16 nonsense. He was thirteen years old.

17 He wanted it of course for his age
18 group, as well.

19 I have a note that you now have a
20 table showing the age group of arrests for the period
21 1968
22 of July 1st, through June 30, 1969.

23 On those I have forty-three cases
24 where I didn't have the age available in my file, but
25 you will notice that there are at least forty persons
26 who were arrested, above the age of twenty-five.

27 Now, we didn't have much of that in
28 previous years, but it appears that these are new recruits
29 or people who used to smoke it, that have grown up.
30 This I could not say, but the age group is changing and
it is becoming more evident that the people from the older
age group are using marijuana and hashish.

We didn't make any tabulation with

1
2 respect to the social environment of the accused, but it
3 is clear that the users of marijuana and hashish come
4 from most levels of our society. Some are from well known
5 families where the father is a professional man, and we
6 have some coming from a very poor area of our population.

7 In a large number of cases, the users
8 would form small groups, and live together in low class
9 apartments.

10 They are getting more sophisticated
11 in their handling of marijuana, or hashish, and will
12 find new ways of hiding their drugs, and one of the ways
13 is in electrical outlets, for instance.

14 In many instances we find that the
15 drugs become the main subject of discussion and the
16 center of their life. This last statement is evidenced
17 by information obtained from undercover agents, who
18 had the occasion to meet many users during a long period
19 of time.

20 Let me give you one example of this
21 use of drugs becoming the center of a life of a person.

22 We had a girl of twenty who was first
23 arrested in December of 1968, in relation to the uttering
24 of forged prescriptions for morphine. She was re-arrest-
25 ed for possession of marijuana. She had a history of
26 addiction to morphine after having used marijuana and
27 LSD and hashish.

28 At the time of her arrest in December,
29 she was pregnant. A Montreal attorney and his wife
30 volunteered to help this girl for the balance of her
pregnancy.

During the three months she stayed

1
2 with these people, she stayed away from these drugs. How-
3 ever, during the whole of this period, she maintained
4 that she wanted to use these drugs again, and that she
5 would use them as soon as she could. In fact, after her
6 pregnancy, she kept her baby and went to live with friends.
7 Unfortunately, they were also heroin addicts, and shortly
8 thereafter, she admitted going back to the use of mari-
9 juana and hashish, and it took a number of months,
10 between the Crown Attorney, the Defence Counsel, and
11 the Judge, to convince her to leave these friends and go
12 back home.

13 She finally went back home, but
14 it appears that in her case, the use of these drugs
15 could become most important in her life.

16 Now, with respect to users of
17 marijuana, there is an additional point that I would
18 like to make.

19 Many persons are advancing figures
20 about marijuana users. I have read the brief of Bryant
21 Brown before this Commission, who mentioned the figure
22 of one million users in Canada, a figure of two hundred
23 and fifty million persons who would be using marijuana
24 on this planet. Dr. Solursh according to first
25 reports, has mentioned that thousands of people have
26 smoked marijuana for two to five years, so that
27 experiments are not experiencing any problems.

28 One of the questions I am asking
29 myself, are where are these figures coming from, what
30 do we mean by "user", when we say a million users.
Are these the people who experimented with the drug, or
people who are hippies, or pot heads.

You have no doubt received a copy of the OPTAT Report, on the use of drugs in the Montreal schools

Now they found, and they indicate in that report, that out of forty-five hundred students you had eight point five who reported using marijuana, but out of those, you found that there was more than three percent who only took the drug once or twice in the last six months.

In fact, it is only two point nine percent of those who reported using marijuana, who did use it more than seven times in the last six months, therefore, this -- of the forty-five hundred students, one hundred and thirty one that used it more than seven times in the last six months.

So therefore, I think there is quite a bit of variance in this question. It should always be important to determine what are the sources of the statistical information, and second, whether these users are important users, or experimental. And also, another aspect is, of course, what do they use, was it hay, was it hashish, was it marijuana, how potent was the marijuana they used, and I am afraid that many wouldn't be able to answer these questions because they don't know.

Now, with respect to LSD, the users of LSD, we found, are most of the time, users of marijuana and hashish.

With amphetamines and barbiturates we know that some -- bank robbers, some ardent criminals, are using these before committing armed robberies in Montreal, and Montreal police seized goof balls in the

cases of armed robberies, but I don't have much information about the use of the substances by the young people. It appears that methamphetamines, speed, is getting to be used extensively, and in fact, after writing my notes -- these notes were written in the middle of July -- I have found recently that speed is becoming a major drug of abuse, and in fact, the drug of which we should be concerned.

It appears that the sources of marijuana have dried out to some extent, and we are getting reports very often, of young kids who are sick after use of speed, in fact, last Friday, I had the occasion to refer one case to Dr. Lehmann, of a girl who had just been arrested and was eventually taken to the Royal Vic for treatment.

And one thing that is troubling me, I have had a report, a social worker, that he knew of a ten year old boy who was using speed continuously, and this is, I think, one of -- probably one of the major drugs of abuse which your Commission will have to study, and study fast, before too many people go too far on this drug.

Now, with respect to heroin, the users of heroin known in the Montreal area, were in a great majority persons older than twenty-five, and did originate from areas other than Montreal, such as Toronto, Vancouver, and New York.

In May, 1968, we met for the first time, a young morphine addict, who was twenty. He was charged with uttering forged prescriptions for morphine. He was later released on bail, pending sentence, and

was finally hospitalized at the end of July. He had apparently gone back to the use of these drugs while on bail, and he died in hospital on August 9, 1968.

In September, 1968, we had two other heroin addicts who were charged with unlawful possession of morphine. From there on, we continued receiving reports from the R.C.M.P. whereby, every month, we would add new names of addicts under the age of twenty-five who were noticed by the police.

In our court cases, and I must stress that for these statistics it is not necessarily in court cases, you would find the true situation, but it is by getting this information from some members of the drug squad and your Addiction Foundations in the different Provinces, who have the information.

But from our file, we have the following cases of young addicts who have appeared before the court in a period of about six to seven months.

My file 1762, where we had a young addict of eighteen, and heavily addicted, and was charged with possession of heroin for the purpose of trafficking. I will come back to this case later.

Another case, a young addict of twenty, who was charged with selling heroin to undercover agents.

Another case, a young addict of nineteen, was charged with possession of heroin.

A girl of nineteen was charged with uttering forged prescriptions for morphine, allegedly for her boy friend, an heroin addict.

Another case, a young girl who was

charged with uttering forged prescriptions for morphine. She was a morphine addict at the time.

An interesting case here -- our case 944 where the brother of the subject of our file 1760, aged nineteen, was awaiting sentence on a charge of possession of marijuana, he was out on bail, and when the sentence time came a couple of months after, he was found to be addicted to heroin and was referred to the Douglas Memorial, I believe, in Montreal.

Another case where a young man, aged twenty-five was arrested in possession of heroin, when he also had in his possession some hashish and LSD.

We also know of a number of cases and this includes some of these that I have mentioned, who were recruited by older -- old timers in heroin -- old heroin addicts.

But we feel that development in the use of heroin in the Montreal area is ^acompletely new development ^{unheard of} in the past history of the Montreal area.

The figures of each such known addict in the Montreal area should be obtained and carefully studied. These cases of young heroin addicts are coming up from the milieu of hard core marijuana and hashish users.

Besides their addiction, these young persons have felt the need for large sums of money. Which is normal for heroin addicts. For instance, the two boys we had mentioned in our files, 1488 and 1489 had in their possession a stolen car and thirty stolen credit cards. The subjects of our files 1762 and 1760 had resorted to the sale of heroin to maintain their own

addiction..

Now, who are the pushers and importers of these drugs? In marijuana and hashish, I believe we can say that we have two types of pushers. You first of all have those who lived in the milieu, who are living with their friends, and who will exchange these drugs between themselves, either for a price, or with the understanding when the other guy will have some he will replace the drug obtained from a friend.

You have also in that category, the organizers of so-called pot parties who provide drugs to their guests. These are not the more important pushers.

On the other hand, this is, maybe to some extent, from time to time, a few individuals who deal in the merchandise at the retail or wholesale level with a definite organization for the distribution of the drugs. These are the most responsible for the distribution of these drugs. Very often they are also the importers.

The age group of the two categories of pushers that I mentioned, compares to the age group of the users.

Between the period July^{1st}, 1968 and June 30th, 1969, I have made the tabulation of the age group, and you will find that for instance, between eighteen and twenty, we have twenty-eight, and if you look at those over twenty-five, we have seventeen.

As an example of what these cases may be, we had one case in 1968 which involved five and three-quarter pounds of hashish to an undercover agent. The main distributor was twenty-two. He had three men working with him whose ages varied between nineteen and

1
2 twenty-three. The deal was agreed upon, and organized
3 in the best fashion of the mafia operators. This young
4 man had travelled on many occasions, to Europe and the
5 Middle East. This we found from his passport. He had
6 two passports. When he was arrested he had four
7 thousand dollars in cash in his apartment, he had paid
8 his rent six months in advance, for twelve hundred dollars,
9 he was maintaining his wife, who was living outside of
10 Montreal, and a young mistress and he was allegedly the
11 owner of two new cars, one of which was a new Corvette.

12
13 At twenty-two, he had achieved quite
14 a number of his ambitions by importing and selling hash-
15 ish.

16
17 More recently, two young men, aged
18 nineteen and twenty-four, were able on two hour notice
19 to sell to an undercover agent sixteen kilos of marijuana.
20 The apartment of the main distributor, whose age was
21 nineteen, was searched and while the police was in the
22 apartment, numerous phone calls were received from buyers
23 of hashish and marijuana.

24
25 This young distributor was supplying
26 his customers with marijuana, hashish, and LSD. In a
27 period of two hours after the arrest, thirty-three
28 persons showed up at the apartment of this distributor,
29 for drugs.

30
A majority of these persons were
juveniles, and they were not arrested, of course.

The distributor above mentioned, was
using a taxi driver, aged twenty-four, to make some of
his deliveries. At the residence of the taxi driver, we
found one kilo of hashish, approximately one kilo of
marijuana. Also, we found four pounds of baking soda

1
2 in bulk, and empty capsules. It has been alleged that
3 the baking soda was sold as LSD.

4 With respect to family background,
5 the family background of these pushers is quite compar-
6 able to the users.

7 Now, with respect to importation,
8 it should be noted that on many occasions, persons will
9 import these drugs in smaller quantities for their own
10 use. This has been evidenced by a number of arrests at
11 Dorval Airport, of young boys or girls who were coming
12 from Mexico or Southern United States, and they had a
13 small quantity of the drug.

14 And this in fact, renders a question
15 of control at the Border, excessively difficult, because
16 there are too many importers.

17 In the field of heroin, it may be
18 easier to destroy an organization, because the import-
19 ation is must better organized, and it is evident that
20 the mafia operators who lead in the field of heroin will
21 not permit competition, and will eliminate those pushers
22 that are not authorized to deal with the organization.

23 But in marijuana and hashish, the
24 arrest of one importer may be meaningless, in view of
25 the substantial quantities imported by a large number
26 of young persons.

27 With respect to heroin and the
28 pushers, in the fall of 1968, the evidence available
29 indicated that heroin pushers were older persons and
30 most of those had substantial criminal records. The
source of distribution of heroin in Montreal was very
unique, as the number of addicts was very limited.

Since the fall of 1968, though, younger pushers have been arrested, and it appears that some of the young new heroin addicts are obtaining their supplies of heroin, from the United States.

In September, 1968, the following were convicted of possession of heroin and demerol for the purposes of trafficking.

Our file 1510, where a young man, age twenty-two, was convicted of possession of heroin for the purpose of trafficking, had no previous record, At the time of his arrest, there was a young girl, age fifteen, who was in his apartment, who was a heroin addict.

She was taken to the hospital at the time for treatment.

In our file 1519, a young man, aged nineteen was convicted of possession of demerol for the purpose of trafficking. He was also convicted of possession of hashish for the purpose of trafficking.

After September, we had the following cases -- after September 1968.

Our file 1760, where a young man aged twenty was convicted for the sale of heroin to undercover agents. This was the young man whose younger brother was brother/later found to be addicted to heroin.

Another file, where a young man aged eighteen was convicted of possession of one-half ounce of heroin for the purpose of trafficking. When he was arrested, he was preparing small packages of heroin and one man in his apartment aged twenty-one was sitting in the apartment and he had a hypodermic

needle in his pocket.

File 1818, another young man aged twenty, was convicted for importing one and one-half ounces of heroin. He was arriving from Boston, and he was suspected of supplying another pusher in Montreal.

Another file, where a young man aged twenty was convicted of having sold heroin to undercover agents.

Now from what we see, what about the possible interrelation between the users of these drugs. This question has of course been discussed by many persons, and it is clear that statistics which will show a definite trend, are not available.

But I would like to draw to your attention a study published in the "Attack", the journal of the New York State Narcotic Addiction Control Commission.

THE CHAIRMAN: Did I understand you to say that statistics that would show a trend, are not available.

MR. LANDRY: I understand there are statistics, but these statistics are discussed and criticized, and people will say, for instance, it doesn't show very much, and I am going to mention these, notwithstanding the criticism of these statistics, because I feel that these statistics should at least raise a question mark, and a question mark where your Commission will no doubt wish to try and go a little bit further, and try and determine what, if any, is the relation between these drugs, because it is evident that we can not look for any biological, or physiological relation

1 between marijuana and heroin.

2 But there are statistics that do
3 exist, and I would wish to point out to you this report,
4 which in turn refers to other matters. It may be that
5 this report was mentioned to your Commission, I don't
6 know.

7 The Narcotic Addiction Control
8 Commission of the State of New York did publish in its
9 review of November, 1968, a study of a group of mari-
10 juana users, which covers marijuana users in 1962. This
11 is interesting, in that we have many people covering the
12 drug addicts at the end when they are addicted to heroin
13 and asking them, "Where did you start from?" but this
14 study goes the other way. They take marijuana users in
15 1957 -- or people who were referred to a youth bureau
16 in New York, and they look in their records in 1963 --
17 between 1963 and 1967, in order to determine how many
18 of them would have been noted in the register of drug
19 addicts in the State of New York, who would have been
20 included in this original group.

21 Now I have copies here, of not the
22 article published in the journal, but the actual study,
23 which I obtained from the States, from the Commissioner
24 of the State of New York. It is made by one Daniel
25 Glaser and some other people who are mentioned here.

26 I will leave copies of this study
27 with the Commission, and they find that among this group
28 now there are quite a bit of reservations of course,
29 with respect to these conclusions, and they stress that
30 in their report, but I wish to point this out, only to
show that the question is not that simple, and that we

can not just shut our eyes and disregard these things.

They found that amongst those who were noted in 1957 and those who were noted in 1962 had been referred to the Youth Council of New York.

When making up their register between 1963 and 1967, they had forty-three percent, or about, who had progressed to heroin at that stage. Now they also referred to a study in California, where study of sixty-six persons involved in marijuana, these were found later in the following years, at the rate of twelve percent who moved on to heroin.

Now, I will leave your Commission with copies of this study, which I find is most interesting, but again, I must stress that I would not myself wish to reach a conclusion on the basis of this, but I wish to put it before you, only to show that some question marks may be raised with respect to this whole question.

Now, I don't believe that any similar studies have been made in Canada, but the facts available at present indicate that in a large proportion, the users will consume hashish, whenever available. I know marijuana comes from our continent and should very easily be available, one may wonder why hashish is in demand to a large extent.

Many contend that once a marijuana user has achieved a certain high, he will never wish to go beyond that high, or use other drugs.

Now, one of the possible reasons for the use of hashish may be the poor quality of marijuana obtained from Mexico. Experts are of the opinion that conditions of storage and transportation

and the time between harvest and consumption may affect greatly the active ingredient in marijuana.

Now, I may raise this, and point it out, I don't know whether it has been raised before, this question. It is the question that people are talking about marijuana much too often as if it was a standard substance. Now this is far from being so.

As you know, the active ingredients are present in the female plant, the female plant has to be harvested prior to pollination, otherwise the active ingredient will deteriorate. What we may have on our market is a very poor quality of marijuana mixed with inactive parts of male plants, so therefore it is always very difficult when we talk about marijuana, and the uses, to determine exactly what the effects would be on the basis of what is on our market.

Hashish, however, is said to contain in its concentrated resin form, as much as eight times the amount of active ingredients present in the leaves of Indian hemp.

As we have indicated before, hashish has become a problem as serious as marijuana, and it is evidently consumed by the same users.

Undercover agents who have worked for long periods amongst young users, have found that hashish was as popular as marijuana in the Montreal area.

In a large number of cases, LSD has also been found in the hands of those using marijuana and hashish.

Now, with respect to LSD, some are saying that the users of LSD are afraid of the known and evident side effects of LSD. For instance I think,

Dr. Nickerson of McGill, from a press report, stated before you that youth, if they were shown scientific facts, would stop using the substance, and he said that there had been a decrease in the use of LSD after certain facts had been raised publicly.

Now, I think this raises the question about certain statements that were made, ^{where} we may wish ^{do we know} use of to find for instance, where, the extent of LSD, prior to the time these facts were made known. Because in our own experience, the use of LSD has not decreased, it is on the increase, and Mr. Chalmers will point out to you, I am sure, at least one case by a very substantial quantity.

But you see the danger is that it does not take ^{before} long this information, becomes fact.

I was reading the Gazette yesterday, and the Gazette takes back this idea, that "today's youth is better educated than any generation in history."

It has shown this by drastically cutting its use in LSD once it has been presented with scientific proof that LSD has proven damaging.

Now, I know from my own experience that this is not so. You go to many panels, and you will find that somebody will try to disprove the theory that LSD is dangerous, and I raise here a very serious question of some information where you say you have had scientific information of LSD and the use of LSD has been cut drastically.

Where are the figures coming from? And furthermore, this may be meant as a joke, rather than a serious comment, but to show you what some have done

1
2 with respect to scientific information, let me read you
3 an extract from an article in a hippie paper that was
4 published in Los Angeles.

5 I have this quotation from a
6 conference given by Mr. Griffin^(Haggart), the Director of the
7 American
8 Journal Communication/Pharmaceutical Association, and
9 this is what the paper said.

10 This is one of the things that young
11 people may do with scientific information. The article
12 reads in part; "The Los Angeles Health Department report-
13 ed an epidemic of thirteen cases of hepatitis among
14 fifty-seven needle-sharing, straight shooters." Now,
15 for many of the members who have lost me with this work,
16 the article says, "that men forget about waving the needle
17 over a bottle of alcohol, or running it through the
18 match flame."

19 Hospitals are now using, "one time
20 only disposable" needles. This boosts the price of a
21 ticket, but it's better to fly on a certified line
22 than to come down with a drown-outcrash.

23 Now this is what some of them do
24 with scientific information. I have indicated to you
25 that we could see this pattern developing from 1966 -
26 1967 - 1968, use of marijuana, use of hashish, use of
27 LSD, and as I have mentioned, as of mid-1968 we found
28 users of heroin and morphine in the Montreal area.

29 Now these people who are using
30 marijuana and heroin are coming from an area where we
31 have not known such things to happen.

32 One of them is the son of a lawyer
33 and we have a lot of them coming from that sort of a

family.

And if we look at strictly the Montreal average population, we find that the number of young addicts under twenty-five, located in the course of last year, it will present an increase of thirty-three percent in our addict population. Now, such an increase in the State of New York, is of course, meaningless, but I feel that the Montreal area may be an interesting area to look into, with respect to this possibility of progression.

Now one example of possible progression, is our case 2392, where a young man was arrested, and he had hashish and LSD, and a couple of sachets of heroin, and he had just commenced to inject himself with heroin. He was experimenting with it.

In my own mind, and this is my own personal opinion, I would believe that those who are using the so-called soft drugs repeatedly, will deteriorate after a while, both in their minds, and their bodies.

In fact, they neglect their personal hygiene, and do not eat properly, and the resistance in their bodies will, no doubt, decrease.

Now, very many become uninterested in accepted normal activities for their age, such as sports, studies and work. They become used to the idea of using drugs as crutches whenever they face a problem or difficulty. They become used to the idea of solving all their problems with drugs.

Too often, they reach a stage where they are ready to experiment with any drug.

Some have said that the progression to the use of heroin has not been observed, at least

1 if statistics relating to prosecutions are studied. As
2 we have mentioned previously, such statistics would not
3 take into account the majority of heroin addicts known
4 to the police and other agencies, and are not statistics
5 that we have to look into, but into the case studies as
6 suggested by the drug addiction foundations of the
7 different provinces.

8 Furthermore, another point to bear
9 in mind, is that if there is any progression this pro-
10 gression will not happen overnight.

11 It will happen over a number of years.

12 Now one thing that strikes me, and
13 you have no doubt heard of it recently, is the argument
14 that the recent efforts of the United States to stop the
15 shipments at the Mexican Border of marijuana, is driving
16 kids to use other more dangerous drugs.

17 This argument, I believe, has also
18 been made by someone from McGill University before this
19 Commission, to wit, that if the police are successful in
20 eliminating marijuana from the market, this will drive
21 kids to more dangerous drugs.

22 Now a question that your Commission
23 will have to answer, will no doubt have to be why then
24 must these kids who are using marijuana, when marijuana
25 is not available, why do they use other drugs?

26 And I have twice asked the question,
27 what would happen if, through some natural cause, the
28 crop of marijuana in Mexico was destroyed in a given
29 year, and this would be completely outside of the
30 police activity and yet we make this a national tragedy.

And also, I find it is quite

1 strange to find these statements coming from the same
2 quarters, who used to assure us in 1966 and 1967 that,
3 leave these kids alone, they use marijuana, they will
4 never take anything else.

5 Now the same people are telling us,
6 now, give them their marijuana because if you don't they
7 are going to use other drugs. I wonder if this is not
8 a lot of argument coming from these other quarters in
9 order to supply the contention that psychological
10 dependence on marijuana may lead the person to experiment
11 in the use of other drugs.

12 Now prosecutions and sentencing.
13 Prosecutions are normally initiated whenever there is
14 sufficient evidence. However, prosecutions are never
15 initiated when parents turn over to the police drugs
16 allegedly found in the possession of their children.

17 It also appears from the number
18 of prosecutions that the police concentrate their
19 efforts on pushers.

20 During the year July, 1968 to June
21 30, 1969, there were two hundred and seventeen files
22 opened in relation to cases of simple possession of
23 drugs and eighty-four in relation to alleged pushers.

24 Charges of possession for the
25 purposes of trafficking are made only when the quantity
26 of drugs seized and the circumstances, will make it
27 likely that a conviction under this charge will follow.

28 The quantity is of course an
29 important factor, but yet the circumstances surrounding
30 the case are also very important.

Thus, if one is arrested on the
street, and he has fifteen cubes of hashish wrapped

individually in tinfoil paper, he is most likely to be charged with possession for the purpose of trafficking.

The charge of importation is laid only when the quantity of drugs seized is important. Thus, possession of some ounces of marijuana or hashish upon arrival in Canada, would give rise to a possession charge only. There again, the circumstances of the case and the quantity of drugs seized, would be a determining factor.

The charge could be possession, possession for the purpose of trafficking, or importation.

In cases of simple possession, sentences have been suspended in a large number of cases. However, since the recent amendments to the Narcotic Control Act, the courts in Montreal have in most cases of possession of marijuana, imposed fines which have varied between twenty-five dollars and three hundred dollars.

The same treatment is presently given to LSD possessors.

One should bear in mind that most of the discussion which takes place in the United States with respect to sentences would not be relevant to our context in Canada, at the present time.

Possession offences are dealt with at a level which compares to a large number of summary conviction offences.

Now newspapers have made substantial articles with respect to criticism in the United States. Let me just bring to your attention what are the laws in the United States at the moment, with respect to

penalties of marijuana. For this offense, a person is liable to a twenty thousand dollar fine, plus a minimum of two years, and up to ten years in jail with possible probation and parole.

For a second offense in the United States, the fine is twenty thousand dollars, with a minimum of five years to twenty years, no provision for parole permitted.

This is for possession.

For trafficking, it is a twenty thousand dollar fine, and two years minimum, and second offense for trafficking is ten years.

Now, I think it is quite evident why we have so much discussion in the United States about harshness of penalties in the cases of marijuana, but let me repeat that this does not compare in any way, shape or form, to our laws at the moment in Canada, with respect to possession.

With respect to pushers, the courts have taken, of course, quite a different attitude. The sentences are varied between six months and two years, and this would be the normal treatment for those found guilty of either having drugs in their possession for the purpose of trafficking, or for trafficking.

One must bear in mind that profit in this sale of drugs may be very substantial. Thus, a seller of hashish may buy hashish in the Middle East for fifty dollars a pound. Hashish is being retailed in ten dollar cubes, and these cubes, most of the time, weigh from one-half gram to one gram.

One pound on the basis of cubes of one gram would thus be worth at least four thousand, four hundred and eighty dollars on the illicit market.

The profit in marijuana is somewhat smaller, but is sufficient to attract a large number of dealers.

Sentences in the field of pushers of marijuana and hashish must be such as to assist in preventing pushers from selling.

Many will say that it has not been proven that sentences necessarily have a deterrent effect. One must bear in mind that in drugs, we are dealing with small groups where the members very closely follow each other.

The presence of the so-called "fan club" in court, when sentence is imposed is very frequent, and we noticed in one group where an undercover man was still in the group. One member of the group had been prosecuted and sentenced to two years for trafficking.

According to the undercover agents, members of the group did stop trafficking for at least a couple of weeks.

This is the only case of deterrence that I can pin point, and I know that the criminologists will differ, they will have their own opinions with respect to deterrence of sentencing, and I do respect their opinion, although I might disagree.

Now, with respect to sentencing there are some other remarks I would like to make.

One gives the best example, he says, if a kid goes to the U.S. with one cigarette of marijuana

1
2 and then comes back into Canada with one cigarette of
3 marijuana, he is likely to be punishable at the minimum
4 of fourteen years, seven years for exporting, and seven
5 years for importing.

6 This of course, is taking it quite
7 far. Let me give you a certain example that may appear,
8 some of them, but just to show you if we want to put
9 some ridicule into sentencing, you can do that to all
10 our laws.

11 From this question, it is important
12 to bear in mind that from all fields of criminal law,
13 sentences are left within the discretion of our courts.

14 Each case must be examined on its
15 own factor, in order to determine whether a sentence
16 is appropriate or not. I have never seen myself, a kid,
17 for instance, charged with trafficking because he had
18 supplied a friend with a cigarette, for the obvious
19 reason we wouldn't have the evidence. And I am quite
20 sure that if one were sentenced for such a thing he would
21 be considered more a possessor than a trafficker, and I
22 think Mr. Chalmers will be able to assist you on that.

23 Now, one must bear in mind that
24 certain of our laws, if we look outside of our drug laws,
25 if we take the Customs Act for instance, there is a
26 minimum sentence of one year for a second offence for
27 an indictable offence, and a kid in a post office who
28 did steal one letter, used to get under the formal law,
29 a minimum of six months.

30 A person who fails to make a return
on his income under Section 612 of the Income Tax Act
is liable to a minimum of two hundred dollars to a

maximum of ten thousand, plus imprisonment.

A person who does not include the minimum amount of strawberries in his strawberry jam under the Food and Drugs Act, is subject to a maximum penalty of five hundred dollars, or three months in jail, or if we prosecute by indictment, he is likely to get, he could get eighteen months in jail. There is not enough strawberries in the jam. A kid who steals a car for his first offence may get up to ten years in jail. A man who fails to report one dollar to the Income Tax is subject under Section 132 of the Income Tax Act, to a maximum fine of ten thousand dollars, or jail, or he may be prosecuted by way of indictment and get a minimum of two months in jail, and a maximum of five years. That is for one dollar evasion.

And this is the same -- you could take all the laws, and take far fetched examples such as this, to prove that the penalties under these laws are ridiculous, and this is what some people are doing with respect to marijuana laws, and I say that we should not look at our laws in such a technical way, because there is no doubt that the man who evades taxes on one dollar will receive a different penalty than the one who evades taxes on a million dollars.

I have also another impression from speaking on panels, that many persons are under the impression that if, for instance, marijuana was taken out of the Narcotic Control Act and put in the category of restricted drugs, that the penalties would change greatly.

Now, may I say that I have noted

1
2 that people are, at the moment, not aware that the
3 penalties by summary conviction for possession of a
4 restricted drug, are exactly the same as the penalties
5 provided for by summary conviction for possession of
6 marijuana, so that taking marijuana out of the Narcotic
7 Control Act, and putting it in the restrictive trade,
8 in the restricted drug section of the Food and Drugs
9 Act, would not change a thing with respect to sentences
10 in as far as possessors are concerned, and the practice
11 at the moment, is to go by way of summary conviction in
12 cases of marijuana under the Narcotic Control Act.

13 But the advantages would of course
14 be, not for the possessors, but for the pushers and the
15 importers, who would face then much lower penalties.
16 But it won't change anything with respect to the possess-
17 ors.

18 There is no doubt that we must do
19 a great effort to control the importation of these drugs,
20 and your Commission may wish at one stage to study the
21 different -- the control at the importation level, and
22 may suggest means of locating drugs, and I may say, that
23 the use -- the post at the moment, is very popular,
24 because people know if they can pick up a parcel and
25 this is all the evidence we have, and there is a chance
26 we will not have sufficient evidence.

27 Now, the effects of the abuse of
28 drugs. We do not find that we are competent to venture
29 into the field of side effects of the hallucinogens. How-
30 ever, we feel that we have now acquired a substantial
amount of information in this respect.

In a large number of instances, we

1
2 have found that persons before the courts on drug charges
3 were under psychiatric treatment, some had been in mental
4 hospitals, some were committed to mental institutions.

5 We feel that the Commission should
6 investigate this aspect. Information could be obtained
7 or started to be obtained, from hospitals, psychiatric
8 institutions, in order to find out how many cases were
9 referred to such institutions, as a result of drug
abuse, in the last two or three years.

10 We have continuous reports of such
11 cases referred to the courts, yet we have seen no statis-
12 tics relating to such cases.

13 In order to evaluate the possible
14 risks that the marijuana user faces with respect to
15 possible progression to stronger drugs, information
16 should no doubt be obtained from the police, the Depart-
17 ment of National Health and Welfare, and the foundations
18 in the Provinces who are working on this problem, in
19 order to determine the number of users of marijuana that
20 have gone to the use of heroin, and mostly the number of
new users in the past year.

21 I am referring here, to the number
22 of younger users.

23 In the field of education, there is
24 no doubt that the major importance of this Commission
25 will cover that aspect, because education is most
important.

26 I know that the OPTAT in the Prov-
27 ince of Quebec have started to work in this field, and
28 they have prepared plans to cover the schools.

29 I forgot to mention, with respect to
30

my analysis of progression or possible progressions, in the experience of England, which is mentioned in the debate of the House in England with respect to the Wooten Report.

Mr. Callaghan, the Secretary of State for the Department, pointed out that in 1964 they had twenty young addicts -- no, I am sorry, they had forty young addicts, under the age of twenty.

In 1968 they had seven hundred and eighty-five. And he also pointed out -- had noted that in the early part of 1968 that many teenagers were cranking, main-lining or shooting speed, or stimulants.

Sorry if I appear a bit confused in some of my notes. It is just that I have drafted additional remarks after I had prepared my main notes.

Now, before completing my remarks, I would like to draw the attention of the Commission to the case of Leis and Weis. I know your council has been supplied, and I believe you, Mr. Chairman, have been supplied also with a transcript, and if it has not been done, I would wish to similarly, file this transcript before this Commission.

I feel that the expert who testified before Judge Dureault could certainly assist your Commission in its study. There are other experts in the field of drug addiction which your Commission should attempt to hear. These experts should be called to testify. The Commission has urged the use of some of the Provincial organizations devoted to the treatment of alcohol and drug addiction. Experts who work in conjunction with these organizations would certainly

1
2 have interesting views for your Commission. May I
3 mention here from my own area, one such expert, Dr.
4 (inaudible) from Joliette Hospital, who is an expert in
5 the field of drug addiction, and would have, no doubt,
6 interesting views to make before your Commission.

7 We must not forget that India and
8 the Middle East countries have had substantial experience
9 with cannabis. Your Commission will no doubt wish to
10 determine why India, some ten years ago, adopted a
11 national policy to eradicate the use of cannabis amongst
its population.

12 Experts from those countries should
13 also be heard. It should be borne in mind that Egypt,
14 for instance, is one of the countries which moved for
15 international control in 1925, before the League of
Nations. They moved for international control of cannabis.
16 The deliberations at the level of the League of Nations
17 should also be of interest, in order to determine the
18 reasons that led to international control of cannabis.

19 And should your Commission be inter-
20 ested, I could obtain for your Commission, the references.
21 I have them here in fact, or they could be obtained from
22 the Department of National Health and Welfare, the refer-
23 ences to the different pages of the deliberations of
the League of Nations on this point.

24 I believe that Turkey was also
25 involved in this matter. I also have noted that the
26 Addiction Foundation of Ontario, the Narcotic Addiction
27 Foundation of British Columbia, and the OPTAT of Quebec,
28 have been quite involved in surveys in obtaining inform-

29
30

1 ation in this field, and I would wish that if you have
2 not obtained all of these reports from the different
3 foundations, that you would do so, because I think it
4 will save you quite a bit of work.

5 I will now leave the floor to Miss
6 Norma Christie of Vancouver.

7 THE CHAIRMAN: I am just wondering
8 now, in view of the time, whether it wouldn't be more
9 appropriate for us to have an opportunity to question
10 you now.

11 The request was made to me that we
12 should hear all of them, but unless this raises some
13 serious problems for your presentations --- I see
14 nodding. Are these individual presentations or are you
15 actually representing the Department of Justice?

16 THE PUBLIC: They are basically
17 individual presentations, Mr. Chairman, but we have made
18 an endeavour not to repeat anything that Mr. Landry would
19 say and at - - -

20 THE CHAIRMAN: I see. Well that would
21 seem all the more reason why it would be convenient to
22 question him now.

23 THE PUBLIC: On the other hand, we
24 are a whole, and he is relying on certain things that we
25 should say. I am in your hands. This is your Commission.

26 THE CHAIRMAN: Well, at the same time,
27 we want witnesses to have a full and proper opportunity
28 to make their statements.

29 I have expressed what I think would
30 be preferable now, but I don't insist. We will hear
Miss Christie, or Mr. Chalmers now - - - Miss Christie --

Thank you very much, Mr. Landry. But

it is understood we will want to question you:

In these circumstances, we are going to hear later on this morning from the Manitoba Medical Association.

Will you please be seated, please, Miss Christie?

We are scheduled to go out to the University of Manitoba at 12:30. We will have to leave here at 12. I think unlikely that we shall be able to hear the Medical Association this morning, but of course, we will hear them immediately after the conclusion of these statements, and the questions relating to them.

I say this for the convenience of doctors who may be present, and I would think that we are likely to call on the Association early after, when we reconvene at 2:30 this afternoon.

Would you like to proceed, Miss Christie?

MISS CHRISTIE: Thank you, Mr. Chairman, and other members of the Commission. I apologize first of all for the condition of my voice.

The submissions which my friend, Mr. Hyde and I make, as members of the Department of Justice staff in the city of Vancouver, are, as my friends Mr. Landry ---

THE CHAIRMAN: Miss Christie, could you speak more closely to the microphone, please? Apparently you have to speak quite closely.

MISS CHRISTIE: I will try to, thank you Mr. Chairman. Is that better?

THE CHAIRMAN: Yes, apparently.

MISS CHRISTIE: I can be heard. The submissions that Mr. Hyde and I shall be making from the Vancouver office of the Department of Justice, are as the submissions my friend Mr. Landry of Montreal, and Mr. Chalmers in Toronto, are not official representations on the part of the Department of Justice, but they come from, and derive from, our personal experiences as prosecution staffs, with those Regional offices.

My experience with prosecution work in the Department of Justice, as far as drug prosecutions go, began when our office opened in 1967. We took over responsibility for drug prosecutions on the lower mainland of British Columbia on the first of November of that year, and in that period, sometimes three of us -- at present there are six of us, do all the prosecution work in seventeen courts in the lower mainland, and those courts range from the Family and Children's Court in Vancouver, in West Vancouver and North Vancouver, Family and Children's Courts over the rest of the lower mainland, and we also act when necessary, in these matters, in the County Court of Vancouver, and in the Court of Appeal of British Columbia.

Fortunately for Mr. Hyde and for me, we will not need, in our submissions, to detain the Commission long this morning, because all of the statistical material which is available to you, Mr. Chairman, from the British Columbia area, and from the Vancouver area, you have already heard and seen these as a division of the Royal Canadian Mounted Police, which has been presented to you.

Now we feel in the Vancouver offices, statistically that it is reliable. It is certainly in accordance with our experience, and on pages sixteen to nineteen of it, you already had the opportunity of seeing the statistics recorded from several undercover Royal Canadian Mounted Police operations, which began in late 1967 and the last one, I believe, of which you were given the results, terminated after a very brief two week period, on the 17th of July of this year, so that we will not seek to re-cover that area in the R.C.M. P. brief.

The other matters^{of} which I shall not need to speak, as covered in that brief, are a series of instances of use of multiple drugs among a couple of dozen persons in that area, nor shall I speak of the cases which the R.C.M.P. has known of where it will appear Mr. Chairman and members of the Commission -- where it will appear that there has been some progression from the use of such drugs, as marijuana, hashish, LSD the methamphetamines, to hard drugs, such as opium or, there are only one or two cases that we know of, or that the police know of, and to heroin.

May I also refer you Mr. Chairman and members of the Commission, if you have not already seen it, or if the representation to you has not been made upon it, to a recent report which the Narcotic Addiction Foundation in Vancouver made, to Mr. Munro the Minister of National Health and Welfare.

Now I tried as closely as I could to follow the briefs and representations which were made to you when you had your sittings in Vancouver.

I noticed that there is a very interesting attack on the Narcotics Addiction Foundation from some past-members of its staff. I did not see whether or not, officially, the Narcotic Addiction Foundation had come before you and made representations of its own.

THE CHAIRMAN: Yes, they did, Miss Christie, and we have that brief to which you have referred.

MISS CHRISTIE: Thank you. In that case, I need not refer to the concern which the Foundation officially felt about what they thought was a new breed of cat in the uses of heroin in the lower mainland, and it seems to me, respectfully Mr. Chairman, members of the Commission, that the findings in that report of the Vancouver Narcotic -- the Vancouver Narcotic Foundation are very like what you have already heard from Mr. Landry in the Montreal area.

For the rest of what I have to say, Mr. Chairman, I rely on two years and a half of what I have observed and noticed in prosecutions of drug offences in the lower mainland of British Columbia, with just this one addition.

That if the Commission, or any other group in this country were seeking a body of social experience, recorded social experience, with respect to drug use, it is my submission that such a group could hardly do better than to look ^{at} some of the hundreds of pre-sentence reports that have been prepared by an experienced staff of probation officers in our area, and I am sure that must be true of every area in the country.

I can only speak from our own experience, but there you have enlarged in my submission, what you had in this, coming before you from young drug users.

It appears to me, as I read those reports, to have spoken very candidly to probation officers who do, as your Commission knows, they do in many cases, they are good listeners and they seem to obtain the confidence of youngsters who speak to them, and of course, our experience is the same as the Montreal experience.

People who have been dealt with in the courts are from fifteen to twenty-five. And in those pre-sentence records -- pre-sentence reports -- you have an interesting mirror, in my submission, of what young people feel about drugs, of how much experimentation they have done in their youth, you have what is surely a well known phenomenon, the views of young people towards established authority in this country, you have their views towards their parents. None of it will come, I am sure, as a very great surprise, but if you read those reports in series as I did, in preparation for our appearance before you today, you get an almost claustrophobic sense of what is felt by young people who are drug users.

And I have seen these reports individually over the past two and a half years, but if one reads them by the score as I have been doing within the last week, if you read them by the score, it is an experience which, in some ways, is frightening.

I didn't find very much in it that is

1
2 going to reassure anybody over the age of thirty, but
3 then I suppose the views of anyone over thirty must be
4 put aside in 1969.

5 What I did find -- I don't wish to
6 be facetious, Mr. Chairman -- what I did find and what
7 interested me very, very much, as a reader of these
8 reports, and an observer of many of the young people of
9 about whom they have been made, are that they were
10 exceedingly honest in their reactions with respect to
11 drug use.

12 That wouldn't be true in a hundred
13 percent of the cases, but it was true in a substantial
14 number, I felt.

15 And as in our office, we look back
16 on our experience, and at our reading of these reports,
17 one or two things do emerge, which seem interesting if
18 not significant, we can't find any cases in our area
19 where soft drug users have used LSD or the methamphetamin-
20 es, or any of the other soft drugs, and have not used
21 marijuana.

22 We find that marijuana is prevelant
23 in all drug use, and we don't know from what we have
24 seen in court, we don't know from what we have heard
25 from the users themselves, or from probation officers,
26 how many -- who begins with what.

27 All we can say, is that marijuana
28 seems to be the drug that all of them have used. Now
29 that proposition can not, Mr. Chairman and members of
30 the Commission, be put the other way.

31 We have records of children and
32 young persons who use marijuana and who have not used
33 the other drugs.

One thing that came home to me forcibly, as I looked over the pre-sentence reports, was what a high degree of what our jargon today calls emotional disturbance, is reflected in those reports.

There are, of course, cases as we all know, this is common knowledge, where brilliant young people, young people who have interesting academic careers, are using marijuana -- perhaps are even dropping acid or are shooting speed, or are using some of the other drugs, but if you look at our pre-sentence reports you do not find many of those people reflected in the reports.

You don't find a great proportion of that type of young person coming to the courts. Our experience suggests, the pre-sentence reports suggest that users of drugs appear to be rather lost. They have not in many cases, had good family experiences, although in some cases they have, but the proportion there isn't high.

They are unsure of what they want to do. There are a larger portion of what our cliché's refer to as drop-outs, and this seems to be more typical of our experience of the youngsters that we see in the courts, than other more settled attitudes and conditions.

I don't suppose youth is ever a happy time in some senses of one's life, but these pre-sentence reports reflect a somewhat defined unhappiness, as I have noticed it, among youthful drug users, and the experienced probation officers so often embody in their reports, remarks that also seem to bear this out.

Speaking as an individual, Mr. Chairman and members of the Commission, who has been in the courts for two and a half years dealing very largely with drug cases, although we do other work as well, what I would really like most to see come out of your Commission, is some clinical studies -- I would really like to know, as an individual Canadian, and a citizen of this country, just what the harmlessness or harmfulness of marijuana, is.

The very senior scientist in the Department of National Health and Welfare told us at the Drug Dependency Conference in Vancouver last year, that the difficulty with the drug, is that it is so hard to get a standard, and I am quite prepared to believe that certain of the marijuana smokes, just as my friend Mr. Phillippe Landry suggested, may be so weak as to be quite harmless.

On the other hand, we have had instances of people even appearing in our courts who had obviously been irrational and under the control of what they themselves have said to be marijuana, so somewhere in all this wide range and conflict of opinion, there must be clinical studies possible.

There must be something that can be done to indicate what the real truth about the drug, is.

Certainly, if it is a harmless drug it shouldn't be in its present position in the Statute books, and if it is a harmful substance, as much of our information suggests it may be in its stronger form, then it should be removed, so in my submission, what we need is accurate and scientific information about it.

1
2 With respect to LSD, Mr. Chairman
3 and members of the Commission, our experience in the
4 lower mainland area of British Columbia is very much like
5 that already reported to you by Mr. Landry in Montreal.

6 We are finding, particularly in the
7 last few months, a very sharp increase in the number of
8 LSD users, and LSD traffickers, and we are not allowed,
9 unfortunately, by some of the more violent instances
10 of the results of LSD use, to forget its potentiality as
11 a killer.

12 In the last month, we have had too
13 much publicized suicides, one a brighter young man of
14 eighteen who dropped out of a twentieth storey window,
15 and one of the men who sat on the inquest into that
16 boy's death, was the father of the sixteen year old boy
17 who died in a drug coma just ten days or so ago in Van-
18 couver.

19 I am prepared, personally -- none
20 of the things I am saying are official, Mr. Chairman --
21 but I am prepared personally to accept from what I have
22 heard, that there are some people who can, perhaps, take
23 a good trip. They have a beautiful experience, and
24 nothing happens to them. But there are no standars for
25 LSD, as this Commission well knows. And that very same
26 person, getting a different kind of LSD, could have
27 either a very bad trip, or a dangerous trip, the next
28 time out.

29 And indeed, we know from reports and
30 from what children tell us, that this is so.

It's my submission to you, that
although the bright people who are said to be using LSD

or who are staying away from it, are influenced by scientific evidence, our experience is that they are not influenced by anything really very much, but their own experience.

Now I am sure that is too broad a statement to take in all the persons who might take LSD and refuse, but in the very week in which young eighteen year old Mr. Gerodais, fell from the twentieth storey window after using LSD, I heard a young married woman, a twenty-one, twenty-two year old girl, in the County Court, tell the judge that as far as she was concerned, the use of LSD was a religious experience.

She was charged with selling LSD, and what she had done in this case, was to furnish samples to two undercover agents, as more or less samples of the kind of splendid LSD that they were going to get from her husband.

They had a deal on with her husband to buy a thousand dollars worth, and the judge in that case said to her, "Well, don't you consider LSD a dangerous drug?" This girl, who in my submission was a very intelligent person, a very interesting girl, very artistic, well educated, said "Well, my experience has been religious." She was not even prepared to admit

that it might be dangerous to other people. Some LSD sellers have admitted in the court, that they felt prepared to admit that they thought it dangerous. But it is increasing, Mr. Chairman, there is no doubt about that. There is an interesting new method of selling LSD on the Vancouver Mainland, and that is, rather than

1
2 tablets or tabs, small blotters which are about a half
3 an inch, by a half an inch square. These are impregnated
4 with LSD. I am sure you have probably heard about this.
5 And the taker simply puts one of these on his or her
6 tongue, and swallows the small piece of blotter.

7 This makes it much easier for LSD
8 sellers to hide the product which they are selling. It
9 is much more transportable, much easier to deal with.

10 We had more methamphetamine coming
11 to the surface, Mr. Chairman, in 1968 than we have seen
12 in our court appearances or charges in 1969. We under-
13 stand that it is around still, but directly in court
appearances, we haven't had as many appearances.

14 This evidence in our cases shows us
15 is one of the most frightening forms of drug, and I
16 believe that you well know, such sources as the Narcotic
17 Addiction Foundation in Vancouver, that they consider it an
18 even more dangerous drug in its psychosis producing effects
than heroin.

19 THE CHAIRMAN: Excuse me, Miss
20 Christie. What is the volume of cases in 1968 and 1969
21 involving amphetamines, and what is the nature of the
22 offense that was involved in those cases?

23 Have we the statistics in the "E"
24 Division Report?

25 MISS CHRISTIE: Yes, I believe you
26 will find, Mr. Chairman, I am referring now to that "E"
27 Division Report -- I think, Mr. Chairman, you will find
28 that information on page two of the appendices to the
"E" Division Report.

29 The methamphetamine comes into the
30

restricted drug category, on page two of those statistics.

They are minor in numbers compared to the marijuana, hashish and LSD charges.

With respect to hashish, our experience is very much the same as that already recorded before this Commission by Mr. Landry from Montreal. It is preferred, if people can get it, very often it is a much stronger drug, and it is a popular drug when it can be had. It is also very much easier, more portable to carry around, because of the miniature amount that is needed for an effective use.

I suppose that Vancouver is, outside of New York, and one or two other American centers, the chief center for heroin use on this Continent. You will know from the R.C.M.P. brief that there are a couple of thousand established heroin users in our area, and we see them, and a sad lot they are, appearing in our courts day by day.

There certainly is a progression within the heroin community as you will well know, from users to traffickers, because their problem is a money problem, they have to support their habits and one of the ways they can do this is by selling capsules, or small numbers of capsules, to other persons.

The old style heroin addict in our area is not under twenty-five years of age. He or she is a man or woman over twenty-five, and as I look through our records, Mr. Chairman, I find that by and large, they are in their thirties.

They form a sermon against heroin in themselves. Girls of twenty-five look twice that age,

and it seems to have the same effect upon men. There does seem to be a lack of interest in anything to do with their persons.

Now, with respect to progression, I have already said, if there is any progression, we have not had very much notice of this come to us in our actual court cases. You will find more that is useful to your survey, in the brief from the Narcotic Addiction Foundation to the Minister and from their previous briefs.

I might mention, however, briefly, a few cases which might have some interest for you.

Early this year in February, we had a seventeen-year-old girl from Winnipeg brought into our Family and Children's Court, charged with possession of heroin, and she told the authorities that she had been using various drugs for four months. She showed signs of addiction on her arms, which might have been of course, being needle marks, be either methamphetamine marks, or heroin marks. We don't know which that was.

She was sent back to Winnipeg by our court. We have the case of a twenty-two year old boy late in 1968, who had been using marijuana, and LSD, and he told the authorities that he had tried heroin three times. He didn't indicate whether or not he intended to go on with it, or whether that was simply an experimental approach, and he was over it.

We had two young men of nineteen, charged quite recently -- late last year, I believe, with possession of heroin, a joint charge. They had both used marijuana, methamphetamines, and LSD.

But these, as far as charges go, are the rare exceptions, and from that sort of thing I don't think anyone can build up a picture.

It does, however, Mr. Chairman, seem to be the case that if you are interested in drugs, and if you feel that through drugs your mind will expand, even if you have heard that heroin is dangerous, you have also heard that LSD is dangerous, and you have heard that methamphetamine is dangerous. But if you are young and brave, surely it is -- is it not logical to suppose that you will not be put off by a fear campaign about any drug.

And of course, if you have shot speed, which is done with a needle, why should you fear then trying perhaps another drug which its users will tell you, is a very fine drug, why not try it as well.

But we have no figures as far as charges go, to support progression. You will find more of that in the Foundations submission.

Excuse me, Mr. Chairman.

With respect, actually, Mr. Chairman, to prosecutions and sentencing, our experience in Vancouver does not differ sufficiently from the Montreal experience, for us to detain the Commission in listening to it.

Certainly there is one thing that is very true, and that is that under the new legislation, that the sentences meted out now in our area to drug users, are not the sentences which were meted out last year in 1968 to possessors. Our Court of Appeal in British Columbia, as you are aware, took a very firm

stand indeed, with respect to marijuana use, and it has not relented with respect to marijuana trafficking. But the legislation is now different, and instead of jail sentences of some months, unless in exaggerated cases where large amounts are involved, and a repetition is involved, there are fairly substantial fines being imposed together with one day sentences, and there will be -- there are already, suspended sentences being given for possession.

THE CHAIRMAN: Miss Christie, do we have, from what you know has been submitted to us, do we have the figures on the sentences for possession under the new legislation? I don't think we have the complete picture there.

Would it be possible ---

MISS CHRISTIE: Mr. Chairman, I don't think it is yet possible. The legislation, as you know, was proclaimed only to be effective from the eighteenth of August this year.

CHAIRMAN: That's right. I wonder if counsel for the Department could provide us with the complete records of sentences by way of summary conviction for possession under the new legislation.

MISS CHRISTIE: We certainly could. From Vancouver.

THE CHAIRMAN: I am speaking to all.

THE PUBLIC: Yes sir, that will be done.

THE CHAIRMAN: Thank you.

MISS CHRISTIE: Yes, we will be happy to do that from our area, Mr. Chairman.

The prices of soft drugs have remained fairly constant. We know this from R.C.M.P. reports from the underground, but it is still very interesting to us to speculate on where the money comes from, for the amount of drugs that appear to be used. Because amounts of marijuana cost -- the present going price is ten dollars. It has been fifteen in our area.

Hashish is fairly expensive. LSD is perhaps quite cheap. One tablet or one blotter costs four or five dollars. Heroin remains pretty constant since 1963 at about fifteen dollars a cap.

Supplies of these different drugs, Mr. Chairman and members of the Commission, come into the Vancouver and British Columbia market from different sources.

Much of our marijuana comes over the border from the United States. Quite a lot of this dried up during the past summer, and we understand that the local market was being supplied locally. This was for a period of about two months. But by and large it does come over the border, and we have had some large seizures, either at the border or in Vancouver, and we have noted the ingenuity to which use of the automobile can be put by persons who wish to bring in this kind of drugs.

We feel that the ingenuity in our area has matched the ingenuity of the two young men who went to New Orleans in Easy Rider, and I don't think there has been any part of a motor car in which marijuana has not been found concealed.

We understand that the drug that we get, has largely come over a second border and originates in Mexico.

Our supplies of LSD are also, Mr. Chairman, appear largely to come from the United States. There is no proof that there are any local laboratories which are producing this in British Columbia.

Our heroin comes from overseas by way of Montreal, and Toronto. We don't think that very much of that is coming from the United States.

The methamphetamines, we believe, are also coming in over the boundry to the south.

One of the things that has been a very great concern to the Family and Children's Court judges in our area, has been a seeming indication among the young people of sixteen and seventeen, appearing before it, that they are being used by older traffickers and that they know the cases will be heard in camera, and that sort of thing, in the Family and Children's Court. But we have had very substantial numbers of children under the age of eighteen, who have been trafficking in these drugs. We have no other submissions to make, Mr. Chairman, and members of the Commission.

Thank you.

THE CHAIRMAN: Thank you, Miss Christie. I wonder, Mr. Chalmers, we are going to have to leave in five minutes, would you like to begin.

MR. CHALMERS. If I may. I am in your hands, sir.

THE PUBLIC: I think it is ridiculous

1
2 that the Justice Department should waste the time of
3 this Commission. It is like a filibuster.

4 THE CHAIRMAN: Well I indicated what
5 I thought might be a convenient way of proceeding, but
6 I understood that it was felt that it would be more --
7 we could make more effective use of our time, if we
8 permitted the three to present their briefs consecutively.

9 They are aware of the fact that there
10 has been no opportunity for discussions throughout the
11 morning, but I think there will be ample opportunity this
12 afternoon, and I would ask you to extend your patience
13 and indulgence until we have heard the last submission.

14 I just wonder, now, if we have to
15 leave in five minutes. Will you begin then.

16 MR. CHALMERS: Thank you. I have
17 signed a memorandum which I would ask the Commission to
18 take as read.

19 I had arranged to cut this oral
20 presentation to fifteen minutes, but I question if I can
21 do justice to the three and a half years experience of
22 six prosecutors conducting about fifteen-hundred prose-
23 cutions, in four minutes.

24 I will try to cut this to the bone.

25 THE CHAIRMAN: I don't want you to
26 have any sense of being restricted. I think you would
27 have been wise to take my advice, if I may say that,
28 and we would not have this tension in the room. But I
29 think we will be all right. But you must not feel in
30 any sense that you have to compress what you have to say.

So you proceed.

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MR. CHALMERS: I will nevertheless be brief. I know that the Commission has had the benefit of the in camera statistics and presentation of the "O" Division of the R.C.M.P. and of Staff Sergeant MacDonald.

I commend that to you and shall not repeat it.

I take it for granted that the Commission has the Addiction Research Foundation marijuana study of Dr. B.B. Sisson, dated September 23, 1968 and a preliminary report on the attitudes and behaviour of Toronto students in relation to drugs, of the Addiction Research Foundation dated 1969, and my comments will be strictly those as a lawyer responsible for law enforcement.

I am not a doctor, a pharmacologist, a social worker, or anything like that.

The contents of the written material are related to an enforcement program, and therefore it is a complete understatement of methamphetamine use, because there is no methamphetamine possession offence, as you well know, and therefore, ^{is in the} there/appendix in the back of this report/^areference to in the last twelve months only some eighteen controlled drugs, ^{or} prosecutions and those in turn, include methamphetamines with other controlled drugs, because if ^{is} is only an offense of trafficking or possession for the purpose of trafficking.

The office of the Department of Justice in Toronto, took over Narcotic Control Act prosecutions and Part 1 -- Part 11 Food and Drug prosecutions in April, 1966. Therefore, our experience coincides

1 reasonably well with the rise of soft drugs.

2 Initially this was work which could
3 be handled by one prosecutor with a little assistance
4 from a junior and myself in charge of the office.

5 In October, 1966, Mr. John Malone,
6 who appears with me today, who is seated in the front
7 row in the brown suit, and who is available for questions,
8 joined our staff, and I think he has been in narcotics
9 courts of one kind or another, so called, every working
10 day apart from illness and leave, since that time.

11 At the end of 1966, it was still a
12 pretty small matter, and we had perhaps conducted sixty
13 trials, and had an inventory of about a hundred cases--
14 that is an unfortunate word. It is not that we do not
15 regard people involved in our cases as human beings, I
16 certainly regard them with every human concern, but when
17 you get to a stage of fifteen hundred or so prosecutions
18 in this period, you are concerned with the administration
19 of justice, really.

20 By October of 1969, the original
21 prosecutor--and you have heard from him--Mr. Whealey
22 had long gone to private practice, we had five pros-
23 ecutors for drugs and other prosecutions under Federal
24 penal statutes, but drugs are the tail that wags the
25 dogs in our prosecution work. No question about it.

26 The inventory of drug cases stood
27 at three hundred and eleven, we had about seven hundred
28 drug cases during the twelve months. That is individual
29 people, and they are tabulated for the most serious
30 drugs in the appendix to this report, and in that
appendix we have taken the position that heroin is more

more serious than STP or LSD, and those are more serious than hashish or marijuana, for whatever that assumption may be worth to you.

And of course we have to do that, because otherwise we have multiple statistics and duplication, because I assume by now you all know that these drugs are ordinarily found together, very frequently found together, the controlled drugs, LSD, hashish and marijuana, and I say more in the written material about multiple prosecutions.

When we got into this business, if you want to call it that, we were primarily concerned with marijuana which had just displaced the very separate world in Toronto of heroin abuse.

As you could see from the statistical material, as of the last six months, hashish prosecutions have overtaken marijuana prosecutions, except with the odd exception as in October itself, and of course, in the last couple of months the new legislation there has been an increasing number of LSD prosecutions.

If you want me to cut off now, Mr. Chairman, and if so, when would you like me to resume.

THE CHAIRMAN: Yes, I think we will have to adjourn now, to go to the University, and I understand it takes about twenty five minutes to get there.

We are scheduled to resume here at 2:30.

upon adjourning at 12:05 P.M.

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4 THE CHAIRMAN: Ladies and gentlemen,
5 I call this hearing of the Commission of Inquiry into
6 the Non-Medical Use of Drugs, to order.

7 I would like to make just two general
8 observations before we hear Mr. Chalmers.

9 The first is, I see the photographer
10 moving the camera around. I have asked expressly this
11 morning, that you not take pictures of people. We don't
12 refer to the audience here. It is people who are seated
13 in the room, but not appearing -- sitting at that table.

14 Now, we don't object to people who
15 are scheduled to make public submissions at that table.
16 Please observe that rule, because I don't want to have
17 a difficulty here.

18 The second observation is, we have
19 received this morning without any opportunity for the
20 public, and we regret this, and I want to assure every-
21 one here that we are here to hear as wide an expression
22 of views of the people of Winnipeg as possible in the
23 limited time we have. And we intend to stay here and
24 hear everyone, as far as we can, everyone who wishes to
25 speak to us.

26 Now, we are only scheduled at the
27 moment for two days, but we intend to be sufficiently
28 flexible, in our hours of adjournment as
29 we had in Montreal on our last day, and I ask people
30 to make their submissions, and I ask them to sum up the
points they want to make, and give us an opportunity to
take advantage of their presence, because I think that

1
2 the lawyers present here understand that a hearing is
3 of no use, if they are not questioned, and if they don't
4 afford people here an opportunity to discuss the issues.

5 That is the purpose of the public
6 hearing. We can take these briefs and we can read them
7 at our leisure. I really ask people to help us, and
8 not defeat the purpose of these hearings, and I assure
9 you that we are here to hear all of you who wish to
10 address us, and if you wouldn't mind using one of the
two mikes.

11 Mr. Chalmers, would you continue,
12 please.

13 MR. CHALMERS: Thank you. I do want
14 to express my appreciation of the patience of the Comm-
15 ission, and it won't be indulged very much further.

16 In regard to the local Winnipeg
17 aspect of the matter, in addition to Mr. Malone from our
18 office, who will not make any submission, but is here to
19 answer questions based on his day to day experience in
the court.

20 Mr. Sarchuk, the Director of the
21 Department's Winnipeg office is here on the same basis,
22 and can answer questions based on the six months or so
23 of experience that the Winnipeg office of our Department
24 has had, in the prosecutions under the Narcotic Control
Act and Part 11 of the Food and Drug Act.

25 Returning to Toronto, during the past
26 year, there has been a marked increase in hashish pros-
27 ecutions, and since the change in the legislation effect-
28 ive August 18th, last, a great increase in the LSD
29 prosecutions, while they did not show clearly in our
30

1 statistics because of the absence of legal prohibition,
2 we were increasingly concerned with MDA ^{STP} /and other novel
3 drugs, and also because they don't show in our statistics
4 because of an absence of any prohibition on possession,
5 we were increasingly concerned as human beings in the
6 field, if nothing else, with methamphetamines and other
7 controlled drugs, and of course, there was an incidence
8 known to us informally, but not to our own direct work
9 of mescaline.

10 We were becoming concerned also by
11 October, 1969, and had been for some months, with the
12 problem presented by the basement laboratories where
13 persons with scientific training were designing drugs,
14 some unknown to the Department of Health and Welfare,
15 and there is a continuing problem of novel drugs in
16 this field, and the Drug Commission may wish to consider
17 this if there are to be prohibitions on certain drugs.

18 Your Commission may want to consider
19 the manner in which you should achieve -- the legislature,
20 Parliament should achieve flexibility if some drugs are
21 to be prohibited -- it is quite easy, I understand, to
22 cause a permutation in the molecular structure overnight,
23 and have someone that may not analyze correctly, produce
24 something that is terribly dangerous.

25 I have devoted a small amount of
26 space in the brief, to the ex-urban prosecutions in
27 Toronto, because I think it has some significance of
28 what you want to know. We have found ourselves riding
29 out into the counties of Ontario, Peel and Halton, which
30 means Lake Ontario from the suburbs of Hamilton, all the
way to Oshawa, north to Lake Simcoe, and while our

administration is of no interest to you, the scope of the problem is illustrated that it is a full time job for one of our prosecutors to look after the ex-urban prosecutions outside the Municipality of Metropolitan Toronto itself.

The state of prosecutions stands as illustrated by the fact that we tie up one court room in the Metropolitan Toronto Court House continuously, with our cases, at the County Court level, although with the new legislation and summary trials, we hope not to do that eventually, but we still have one hundred cases more or less, awaiting trial at the County Court level.

There are drug cases proceeding every day of the week in the assigned court room at the old City Hall in Toronto, which is the main Court House when it is available, and of course, there are remands and bail problems dealt with every day.

So it is a major task in the City of Toronto today. Generally speaking, naturally in recent months, there are approximately three new individuals, or groups of persons arrested every day, and the Commission will note that our statistics are different from the police statistics. The police count noses of individuals. Our statistics were not, I am afraid, developed for you, they were developed to measure our own work load, and whether there is thirteen or one kid involved, initially at least, it is one job of work for us, and this is why our statistics are different.

THE CHAIRMAN: What conclusions are you drawing from these statistics?

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2 MR. CHALMERS: I am basically leaving
3 the conclusions to the Commission, as much as possible,
4 in steering opinions.

5 THE CHAIRMAN: It might be helpful
6 if you suggest the relevance of them, for the purposes
7 of our inquiry.

8 MR. CHALMERS: Well, the relevance is,
9 there is a drug scene, or sub-culture, in Toronto of con-
10 siderable proportions, and insofar as one can tell, its
11 size from prosecution statistics, it has grown in recent
12 months, and years.

13 Now, I will go on to suggest that its
14 size has also been exaggerated insofar as one can tell
15 from the statistics that a prosecutor can produce, which
16 are obviously not as complete as one might like, because
17 they are based on what the police bring the prosecutor as
18 stated in this submission.

19 We have had approximately fifteen
20 hundred, that is an estimate, approximate -- fairly good
21 one, I imagine -- approximately fifteen hundred drug
22 cases in the three and a half years we have been doing
23 this work, and by -- going back to the beginning, I have
24 given you a figure for the beginning of 1966 -- by
25 December of 1967 we had a hundred and fifty such cases,
26 almost all of them marijuana possession cases.

27 We began to see cases in the juvenile
28 court.

29 THE CHAIRMAN: Do you know that we
30 have a brief from the Toronto Division?

MR. CHALMERS: Yes. I will try and
shorten it up, still further.

That, however, sir, was not given in public.

THE CHAIRMAN: It is in our files.

MR. CHALMERS: Very good.

During the latter period, arrests have frequently involved more than one drug, and we have tried to deal with drugs regarded as dangerous, but dealt with a limited fashion by the present legislation by such expedients as prosecution under Part 1 of the Food and Drug Act for having a drug in possession for sale, without going through the formalities ordinarily required of a pharmaceutical concern.

We have done that with relation to MDA, and I believe we have two such prosecutions pending.

We have tried to go through the records that we have, with a view to assisting initially the Addiction Research Foundation of Ontario, and subsequently, your Commission, as far as we can in regard to the type of person that we find being brought to us by the police, and perhaps you have some of this already, but the -- in September, 1968, a year ago, a person -- the main body of arrests were still for the possession of marijuana, and typically, we had a twenty year old man with an anglo-saxon name living in the suburbs of Toronto, arrested in Yorkville with one or two grams of marijuana.

And we had a small proportion, perhaps forty-two persons in that month -- pardon me -- were over twenty-one years of age, and one in seven appeared to be what we call in Toronto, a "rounder", that is, appeared to have some connection with the criminal

underworld.

This may reflect with the drug community, or in fact, it may reflect the fact that the Metropolitan Toronto Police and the other forces frequently make marijuana arrests in the course of investigating some other suspected offense, and so that is the type of person that is brought before the courts, in some degree.

By a year later, there was a change in the picture, which may be of some interest to the Commission in that the arrests tended less and less to be in the Yorkville area, and more and more to be in plazas and school areas and the like, in various parts of Toronto, throughout Toronto, perhaps the outer reaches of the Metropolitan area, more than anything else.

And I have given similar statistics otherwise not too different for September, 1969, and October, 1969.

Your Commission will note the number of arrests for various permutations and combinations of drugs. There is a drug scene which appears to involve hashish, LSD, and marijuana.

THE CHAIRMAN: What does that mean, arrests for various permutations and combinations?

MR. CHALMERS: Well, what I mean by that is, people have been arrested and charged with possession of hashish, possession of marijuana and laterally, possession of hashish, possession of marijuana, possession of LSD. People have been charged with possession for sale of methamphetamine, and they have also been found in possession of other drugs, possession -- we have one or two possession of cannabis, marijuana,

possession of cannabis, hashish, and sale of methamphetamines.

The police have gone in to make an arrest after an undercover buy of methamphetamines and found the same people in possession of one or other or both of the cannabis drugs, or perhaps LSD and MDA as well.

Now, in respect of the earlier period one has to remember that many of the substances referred to, where there have been seizures of other drugs, or other drugs apparently found in the course of our marijuana or hashish prosecutions, those other drugs are only suspected. No charge could be laid of possession, and therefore the analysts being under great pressure to get analysis made, they were not analysed. The police have reason to believe, what they were.

Much of the brief must be read in that light.

There is a trend showing up to eight involvements of American citizens in the arrests in Toronto, in a disproportionate degree

THE CHAIRMAN: What is a disproportionate degree?

MR. CHALMERS: Well, I have a disproportionate to the City of Toronto, sir.

I want to get this factor referred to on page five, eight American citizens in September, 1969, and I am looking at a group of forty-six, in the traffickers were still basically people with anglo-saxon names, and they were still residents, in ordinary residential districts of Metropolitan Toronto, much the same

1
2 as the possessors, but most of them were arrested for
3 the sale of hashish to undercover police in the Yorkville
4 area; in other words, the sale took place in Yorkville.
5 You get a higher proportion there, I would suggest nine
6 out of thirty-one, and this has to be a loose definition,
7 people I would describe as "rounders", members of the
8 criminal underworld, and you get again, four American
9 citizens.

10 THE CHAIRMAN: These are all interest-
11 ing facts, details, but what is your general position in
12 relation to this phenomenon and the existing law, and its
13 effectiveness?

14 MR. CHALMERS: In a word?

15 THE CHAIRMAN: Yes.

16 MR. CHALMERS: In a word, the existing
17 law is moderately effective in curbing the drug scene,
18 in keeping the drug scene in some limits in Toronto.

19 THE CHAIRMAN: How do you judge that
20 effectiveness?

21 MR. CHALMERS: Largely by guess and
22 by God. I don't know for sure. I don't pretend to. And
23 again I have referred to multiple drug sells.

24 THE CHAIRMAN: What is your general
25 proposition about these multiple drug sells?

26 MR. CHALMERS: They tend to show,
27 Mr. Commissioner, that in my submission that there is a
28 drug sub-culture, a drug scene in greater Toronto,
29 involving all the the cannabis drugs, LSD, methampheta-
30 mines, and the novel drugs such as MDA and STP and so on.

There is one drug scene, there are
permutations and combinations, and there might be kids
in the centres of it who are using marijuana, but essen -

1
2 tially I draw from this inference the difference; it well
3 may be properly described, a drug scene, and the one
4 weapon, if a weapon is what is required, one means in
5 dealing with this scene that society has at the moment,
6 is the law against the possession of cannabis.

7 THE CHAIRMAN: I think it might be
8 convenient at this point, Mr. Chalmers, if we have an
9 opportunity for general comment, observations and you
10 no doubt in the course of that will have the opportunity
11 to add anything you feel you should, to your remarks.

12 I invite any questions or observations.

13 Yes, would you like to go to the
14 microphone please.

15 THE PUBLIC: I would like to ask
16 what you mean by anglo-saxon names, and what difference
17 a name makes.

18 MR. CHALMERS: It makes none, except
19 there is this relevance in Toronto where there is an
20 enormous community in Toronto which doesn't have anglo-
21 saxon names, and we find very few of those.

22 In other words, we find very few
23 Italian names, very few slavic names, no Portugese
24 names. In other words, this is not a completely commun-
25 ity wide phenomenon in greater Toronto, and if we do
26 find some of these names, we find them with established
27 criminal records, people who are prostitutes and so on,
28 people who are in the "rounder" scene, and not in the
29 regular marijuana scene.

30 THE PUBLIC: A prostitute can have
an anglo-saxon name, too.

MR. CHALMERS: Certainly but my

point is that there appears from the arrests statistics, to be a large group of people in Toronto, whom the police at least, never bring to us for this sort of thing.

THE PUBLIC: Well all these facts and instances are very interesting, and you have quoted many interesting arrests and very many interesting anecdotes. I am just wondering, does the Justice Department have any solution, or would they want to go on arresting people?

MR. CHALMERS: The Justice Department at my level, has to do its job of enforcing the existing law as fairly and as expeditiously and as faultlessly as it can.

I think the best answer to that, and if I might just have the Chairman's permission to read the concluding paragraph in my brief, which is this:

"The basic facts of our experience over the past three and one-half years, is that there exists in Toronto, what those who participate in it apparently refer to as a drug scene or sub-culture which comprises the use of cannabis, LSD, and MDA, mescaline, methamphetamines, other control drugs, other restricted drugs, and drugs as yet unknown, by persons primarily between the ages of fifteen and twenty-five, although also by older persons, disproportionately by middle-class persons and members of the criminal element," and my friend at the mike should know this is a fact, and should face it, "disproportionately by persons whose origins are Anglo-Saxon, Jewish, or Black.

Few of the names in our files are Slavic, Italian or French, none are Portugese.

Few are over twenty-five, none of

that seem to have a high cultural economic background, very few are from the so called unarticulate majority.

The extent of this drug scene is not something a prosecutor who deals with it at one remove, can estimate with any accuracy, and everything I say is subject to that.

The heinousness of a drug, is something that a prosecutor is not qualified to speak on with any depth.

We are grimly aware that we are dealing with a phenomenon which taken as a whole, is a horrible one in the literal sense of that word, speed freaks and like that.

Mainly through the use of the much-discussed legal prohibition of marijuana, we have played a part in ejecting forcibly from the drug scene, at least some hundreds of young people during the past few years.

These people have got suspended sentences and probation, whether we like it or not, and those individuals generally speaking, we haven't seen them again.

We have played a part in ejecting them from the drug scene.

THE CHAIRMAN: Excuse me, you use the term prohibition. That means we think of the prohibition of liquor in the United States and I am just wondering if the same thing, the prohibition of drugs in Canada.

THE CHAIRMAN: Anglo-Saxons and Jews, its a shame that I am not going to see an individual, as a father, how would you react to the horribleness that your

kids would be going through, if you became aware of it;

Like, would you want them to be aware of that, or would you hide from it?

MR. CHALMERS: I would have to deal with it.

THE PUBLIC: You would have to deal with it, so would I, but the fact is, that as an individual, do you condone it.

MR. CHALMERS: Condone what, please?

THE PUBLIC: The drug scene.

MR. CHALMERS: No, I don't condone it. My job is not against my conscience, I haven't left it. My job is to try to enforce the law, which as I understand the intention of Parliament, is designed to extricate the drug scene, if possible.

THE PUBLIC: Well, law as I see it, is sort of totalitarian in the sense that it is supposed to keep everybody happy, and everybody safe -- the majority of people.

Are these speed freaks and these Jewish people harming the society?

MR. CHALMERS: Regardless of nationality, they are hurting themselves -- and these are some of the brightest young people who have a duty to society to keep themselves in condition.

They are harming themselves and there is a nice controversy which you can go on about for a long time, whether you have a right to harm yourself.

They are harming society, they are harming others, because this is a prosthetizing sub-culture.

THE PUBLIC: Well I remember before the election ---

MR. CHALMERS: Excuse me if I reconvene on the prosthetizing sub-culture, and they want to draw us into it. And those in turn will harm themselves.

THE PUBLIC: During his campaign, he said while he was speaking of the abortion laws, "Get out of the country's bedrooms." I am wondering if the same thing shouldn't be done here --

MR. CHALMERS: No, that is a problem for Parliament.

THE PUBLIC: Now I think it is a personal decision that people should make before it goes to Parliament, as to whether they have the right to arrest people.

MR. CHALMERS: We have to enforce the law as it is for the time being, I have also because I have been asked to, said something about the law as it is, and what it should be -- if I might just finish what I was reading with your permission, and the permission of the Commission.

"We like to think that some greater number of persons have been discouraged from entering the drug scene with its attendant risks of death, insanity and "bad trips" by what we have done.

If your Commission can give advice to those whom the public have chosen to make the relevant decisions which will ultimately enable those of us burdened with daily responsibilities to deal with more effectively the human tragedy of youthful drug abuse, then we shall be most grateful to you."

We may be wrong, the Commission is here to recommend to the Government, what should be done. about something that is -- where people are dying. It is not a pleasant business at all, it is not some sort of joke.

Now if the Commission here can come up with something that is better than the existing law, wonderful.

We will go out, and Parliament adopts it -- wonderful -- and we will go out and do whatever our duty may be under such amended law.

Meanwhile, first of all as far as the present position is concerned, the policemen bring us the mid-criminal cases under the present law then it is our duty to enforce the law. Anything else is just tolerance of breach of the law, and that is another whole question, I think, Mr. Chairman, apart from what the law should be.

THE CHAIRMAN: There is a gentleman at the microphone at the back here.

THE PUBLIC: Sir, you seem to lump a lot of drugs together, such as marijuana and heroin because you said it all in one sentence, and you also stated that you were out to save people from bad trips death and insanity. I have yet to see anybody die insane from marijuana, and I wonder where you get your information, also on the fact that the drug culture seems to be wanting to draw more people in, that it seems to be the intent of the people who are taking these drugs

From my experience, I don't think that is true at all.

THE PUBLIC: Could I say something for a minute.

THE CHAIRMAN: Yes, could you reach the microphone.

THE PUBLIC: I would like to speak to all of you young people. I have lost a son a year ago in August due to drugs. At the present moment, I have an article in my purse here, which was put in my other son's pocket.

If you don't know how to smoke, you had better learn. It isn't enough that they have got one, they are wanting another one.

MR. CHALMERS: Who?

THE PUBLIC: I hope it shocks some of you around here today.

THE PUBLIC: When Miss Christie presented her brief, she mentioned along with your colleagues, that a progression is evident of the increase in drugs. I am just wondering, in this democracy of ours, if the majority is always ^{the} rule, here a great many of the sub-culture have increased and many of them have drawn in, as you mentioned. - - -

I am wondering, can all these people be wrong, all of them, or are some of them wrong, or the progression to drugs, is it a sign of something?

MR. CHALMERS: I think what we all meant by progression, is the progression from one drug to another. You are talking about the expansion of the drug sub-culture.

THE PUBLIC: Increase in use.

MR. CHALMERS: Increase in use. I think it is a very sad thing.

THE PUBLIC: Thank you.

MR. CAMPBELL: Mr. Chalmers, I would like to raise a couple of questions with you. First of all, how would you compare the possibility of enforcing the existing drug laws with the possibilities that exist of enforcing prohibition laws with alcohol?

Do you think there is a good probability that these laws can be made to work in general, and in answering that, I would like you to bear in mind a remark that Mr. Clement made to us in Toronto, that you I think alluded to in your remarks, the fact that analogy in a sense, by-passes the ability of law to keep pace with drug innovation.

I would also like the comments of the other prosecutors on the ability of this type of law, to be enforced.

MR. CHALMERS: Well, in the Province of Ontario, sir, there is attempted to be enforced a prohibition of alcohol for the under twenty-one age group, and that is the age group that we are, to quite a large extent, dealing with here.

My answer, for what my opinion might be worth, yes, there is a greater possibility. This is something new, something that is not yet entrenched in our society, and at the moment there is a possibility.

We are not undertaking the task that parts of India, or other countries, are undertaking, where they are trying to ban cannabis where it has been

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2 there for centuries, or even millenium. We are dealing
3 with something that is novel, where great chunks of the
4 community know it is hardly there at all -- yes, there
5 is no comparison with the enforcement problem at this
6 time, in my respectful view.

7 MR. CAMPBELL: In the case of Montreal,
8 do you think there is a greater possibility of making
9 this work, from the liquor strike.

10 MR. LANDRY: Well, I notice that the
11 enforcement may have been too successful in the case of
12 marijuana.

13 MR. CAMPBELL: But that is not quite
14 my case.

15 MR. LANDRY: I would think we should
16 not look at the law as a solution to the problem. The
17 law, I believe, is one of the tools that we have in order
18 to try and limit the problems inasmuch as we can.

19 There are other aspects that have to
20 be stressed greatly, such as education for instance, and
21 I don't think one should look at the law as the final
22 solution to the problem.

23 It is merely part of the tools that
24 we have available in order to attempt to control this
25 problem.

26 MR. CAMPBELL: And yet, to stay with
27 this, we have had this line and have every reason to
28 believe that your Departments and the police have acted
29 with great energy and urgency in enforcing the law, and
30 yet we have seen this very steady, continuing increase
in drug use.

MR. LANDRY: Well, maybe it has gone
like this, but nevertheless there is a great deal more

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2 drug use -- a great deal more serious drug use today,
3 than there was two years ago.

4 THE CHAIRMAN: Excuse me, well where
5 are the figures to support that draft that you just
6 described, in the area of drug use?

7 MR. CHALMERS: That is the question.

8 THE CHAIRMAN: You don't have the
9 figures. All right, I am asking you, you just threw
10 out drafts like that.

11 PROFESSOR BERTRAND: Yes, because
12 the other problem is, that unless we have some way of
13 estimating the dark number of this criminality that we
14 don't know, and the unofficial users, we can not even
15 speak of the effectiveness of law, and I was wondering
16 how you would assess this effectiveness.

17 Usually it is -- how would you call
18 this drug scene that you describe?

19 MR. CHALMERS: I think someone could
20 get some help, Miss Bertrand, of the studies of Ontario
21 of the studies of the Addiction Foundation with the
22 schools, and the like, and you can see what they say is
23 happening, with at least the school age group in terms
24 of marijuana usage, and project the percentages they
25 have over their population, and then look back at our
26 arrest figures for those age groups, and you will get
27 some idea.

28 I don't know exactly -- I haven't
29 done that arithmetic. I apologize.

30 MR. CAMPBELL: Because there is
overwhelming evidence that those figures are now badly
out of date, and they may be coming in at half the rate

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2 at the present time. I would be confident they would
3 half the rate use of Montreal high schools and Montreal
4 universities.

5 One university I studied very, very
6 intensively, and I am dead certain of my data, we had
7 twenty-seven percent of the students had used drugs,
8 That is probably low for many. Probably twelve, thirteen
9 percent of the students were using marijuana very regular-
10 ly. If we extrapolate from those figures, the law would
11 seem, on the face, to many people, incapable of being
12 enforced.

13 MR. CHALMERS: I suggest with great
14 respect, sir, that when you have part of the problem
15 when you distinguish between those who experiment and
16 those who regularly use ---

17 MR. CAMPBELL: Even if I am talking
18 of thirteen to fourteen percent of a college or university
19 population, I am talking of a very large number of people,
20 and again I submit that it would appear from the arrest
21 figures, the prosecution figures, the conviction figures,
22 compared to those, that this is a law that is breaking
23 down at the enforcement level.

24 MR. CHALMERS: First of all, sir,
25 you are speaking of a certain socio-economic group that
26 goes to college.

27 Secondly, ---

28 THE CHAIRMAN: What is the relevance
29 of that statement, in relation to law enforcement.

30 MR. CHALMERS: In relation to law
enforcement, sir, the suggestion is that law is not being
enforced, that there are enormously greater numbers that

are being prosecuted that are using the substance, and your colleague, sir, points to use in a particular university which he is familiar with, and this is that this illustrates a lack of law enforcement and I respectfully point out that this -- a particular social group where this is certainly gone ---

THE CHAIRMAN: What do you mean. Is there, or is there not, effective law enforcement of this particular group.

What is the point.

MR. CHALMERS: There certainly is difficulty in law enforcement.

THE CHAIRMAN: What is the difficulty.

MR. CHALMERS: The difficulty in law enforcement is, how many of the public are prepared to pay, and so on.

THE CHAIRMAN: What is the difference in that group you are referring to, as a special group?

MR. CHALMERS: That is one of the group where the substance appears to be used.

MR. BOWLBY: Mr. Chairman, if I may, we have heard that in this question of law enforcement that the enforcement of the law has been discriminatory in nature. We have heard that the university students are not being arrested, that the upper-class who are using drugs are not being arrested, but the people who are not so well educated, and perhaps whose arrests would not matter so much to the authorities, are being arrested.

Now, we just left the University of Manitoba. We were told there that they are not being

1 arrested.

2 Now, what do you say to that?

3 MR. CHALMERS: Well, I say to that
4 that we have had a number -- I am sorry, I haven't broken
5 down the figures that way, but pending a problem, to do
6 so, and we have certainly had a substantial number of
7 prosecutions in the Toronto area, of university and
8 university-type people.

9 We know this, because it is always
10 brought out in the pre-sentence reports as a factor
11 favourable to the accused.

12 I have heard this allegation many
13 times, and I have taken the trouble, and this is --
14 becomes -- gets in the area of hearsay, but I have cross-
15 examined very rigorously, members of the Mounted Police
16 about it, because it is something that concerned me very
17 much, and I wouldn't wish to be party to any such dis-
18 criminatory program of law enforcement, and I am ---

19 MR. BOWLBY: Would you agree, Mr.
20 Chalmers, that a discrimination in the application of
21 law, would tend to bring the law into disrespect.

22 MR. CHALMERS: Yes, I would, and
23 that's why I have tried to ---

24 MR. BOWLBY: You have said also
25 a few minutes ago, you said that the Justice Department
26 according to
27 has a job of prosecuting the law; is that correct?

28 MR. CHALMERS: Of enforcing the law.

29 MR. BOWLBY: Correct. Now, is the
30 Justice Department also concerned with the drug problem
as a very important social problem?

MR. CHALMERS: Certainly.

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2 MR. BOWLBY: Does the Justice
3 Department, in realizing that, and in wanting to do that,
4 does it set policies which can perhaps assist in allevia-
5 ting this problem?

6 MR. CHALMERS: The Justice Department,
7 as such, apart from other agencies of the Government, has
8 a limited role. This is one of our problems.

9 MR. BOWLBY: Well, you made a state-
10 ment a few moments ago; you said that some of the judges,
11 Provincial judges, were giving suspended sentences,
12 whether we like it or not.

13 I would want to know from that, do
14 you mean that you are not in favour of the, or the
15 Justice Department is not in favour of suspended sentences?

16 MR. CHALMERS: This is a good question.
17 We have gone through various stages on this, in Toronto
18 initially. We recommended suspended sentences in very
19 many instances, in spite of the spread of the offense that
20 Dr. Campbell has mentioned. We made submissions to the
21 court, asking for short deterrent jail terms, in hope
22 that that would have some deterrent effect.

23 We will never know whether it would
24 have, because the submissions were rejected by the courts.
25 We have never made those submissions again, and of course,
26 since August 18th, the legislation has been wholly diff-
27 erent, and the sentences have become fines of fifty to
28 three hundred dollars.

29 MR. BOWLBY: Has the Justice Depart-
30 ment evolved any philosophy that a jail term might
alienate the social contact between youth and the older
class, rather than bring them in any way together, or

rather than solve the problem.

MR. CHALMERS: I don't know whether the Department has any philosophy on that.

MR. BOWLBY: Also, if I may just ask Mr. Landry a few questions.

On page twenty of your brief, Mr. Landry, you say "In cases of simple possession, sentences have been suspended in a large number of cases."

Now, you are aware of course, that the suspending of the sentence, it doesn't mean that the person who has a suspended sentence loses his record; is that correct? He still has a criminal record.

MR. LANDRY: Yes.

MR. BOWLBY: And this criminal record can be a very detrimental factor to that person, as he grows up into manhood; correct.

MR. LANDRY: I think it is a substantial problem, and I understand that there are possibilities of getting a pardon, at the moment, and I understand there is some discussion, if not -- there is a bill in the house with respect to this question of pardon, whereby one may be able to get a pardon -- is it after two years?

MR. BOWLBY: Has the Justice Department, or you as a prosecutor for the City of Montreal as my friend Mr. Chalmers in Toronto, ever made a recommendation to a Provincial judge that even though guilt on paper seems apparent, this would seem to be a case where guilt should not be found, and an acquittal should be directed.

MR. CHALMERS: Yes.

MR. BOWLBY: You have? In how many cases, Mr. Chalmers.

MR. CHALMERS: I haven't a count. Not very many.

MR. BOWLBY: How many cases can you think of

MR. CHALMERS: Half a dozen.

MR. BOWLBY: One or two other matters. It was brought up, while at the University of Manitoba, it has been brought up as we have travelled with this Commission, that there has been a tremendous disparagement in sentencing across Canada. One example was brought up where a Mr. Mel Loughheed received between two and five years, for possession of one ounce of heroin, whereas another person in Fredericton, New Brunswick, received a three month sentence for being found in possession of fifty-four tablets of LSD, and three hundred and fourteen dollars was in this person's possession the proceeds of trafficking.

It is a fact, is it not, either Mr. Chalmers or Mr. Landry, that there is across Canada, a tremendous variance in sentences that are being imposed in these cases?

MR. LANDRY: Well, I believe that if we go back to -- well, first of all, the cases that you have just mentioned, I am not sure of the heroin case, would be a case of one ounce of heroin would probably be possession for the purposes of trafficking.

MR. BOWLBY: We haven't much time, and I don't want to get into much discussion. All I want to know, is that a fact that there is a very large degree of disparagement in sentencing across this country.

MR. CHALMERS: We try to avoid it.

MR. LANDRY: We try to avoid it, and at the present time, I don't think there is, if you are dealing with marijuana cases, and I think all of the courts in Canada are taking a very stiff view of those who traffic in heroin.

In Montreal, sentences will range from five to ten years, but its always extremely difficult to compare one sentence in one place, one sentence in the other place, unless you have the actual facts of that case.

MR. BOWLBY: Has the Justice Department, in its policy, or whatever policies it may have, to try to assist this problem, tried to send any sort of a document, or whatever, to other prosecutors in an attempt to regulate or standardize sentences across this country.

MR. LANDRY: The prosecutors here have consulted each other repeatedly on these questions, and I have been trying to achieve this similar policy all across Canada.

MR. BOWLBY: How many times, Mr. Chalmers or Mr. Landry, have you recommended that there be an appeal brought, because the sentence was, in your judgment, not sufficient to meet the crime

MR. LANDRY: Well, in hat field, sir

MR. BOWLBY: In the field of possession.

MR. LANDRY: Possession of what

MR. BOWLBY: Marijuana.

MR. LANDRY: Never.

MR. BOWLBY: Mr. Chalmers? Because the Court of Appeal as you know, in Ontario, has adopted

1
2 a pretty rigid line in marijuana sentences.

3 MR. CHALMERS: We have had numerous
4 appeals to the Court of Appeal in Ontario, and I was
5 going to mention that. That was partly in our attempt
6 to secure uniformity in our Province, and we have
7 Notices of Appeal out now on some fines, which are very
8 very low, but apart from that, I am trying to -- we
9 haven't ---

10 MR. BOWLBY: In an attempt to increase
11 the amount of the fine, or an attempt to increase the
12 term.

13 MR. CHALMERS: These matters are
14 essentially for the court, and the strict line of the
15 Ontario Court of Appeal, is basically -- with some
16 exceptions in traffic cases, to not interfere with the
17 discretion of the Provincial judge or County judge.

18 MR. BOWLBY: Mr. Landry, you also
19 said you never prosecuted a case where a friend in a
20 school environment or other youth environment has
21 trafficked by sharing a cigarette with his friend, is
22 that correct

23 MR. LANDRY: I have never seen such
24 a case.

25 MR. BOWLBY: What if his supposed
26 friend turns out to be an R.C.M.P. agent What is your
27 position there

28 MR. LANDRY: I have never seen such
29 a case, sir. Cases I have seen with undercover agents
30 were in the hard core milieu of users, where the under-
cover agents would contact people after they would find
out that they are pushers, and these are -- the line of

cases that we have had, as a result of undercover work and in fact, in some instances we have rid a certain area of all the pushers, and during the period of time there was not much drugs available in that milieu.

MR. BOWLBY: Mr. Chalmers, have you known of R.C.M.P. officers disguising themselves as a friend, and an arrest of trafficking has followed.

MR. CHALMERS: Without money being exchanged?

MR. BOWLBY: Without money being exchanged.

MR. CHALMERS: No, I can't recall one, without money being exchanged.

MR. BOWLBY: You say also on page nineteen of your brief, Mr. Landry, that prosecutions are never initiated when parents turn over to the police, drugs allegedly found in the possession of their children.

Now, is that just -- is that a policy of the Justice Department. Is it a policy of one area of Montreal, or what is it

MR. LANDRY: Well, I speak for myself. Mr. Chairman, it is quite evident you are not going to call the father or the mother and say, "Where did you find the drug?" and she says, "I found it in the room of my kid." It would be inhuman to do that.

MR. CHALMERS: Police have delayed in Toronto, but we have withdrawn them.

MR. BOWLBY: Just one last question, if I may. In regards to page twenty of your brief, you also say the charge of importation is laid only where the quality of the drug seized is important. That's what you said in your brief.

MR. LANDRY: Yes sir.

MR. BOWLBY: Do you not agree, Mr. Landry, that it is a very big power to put in the hands of a court, that if a man brings a cigarette across the border, he could receive a minimum of seven years if he was charged with importation.

MR. LANDRY: Well, you know, sir, this would go back to a maybe ridiculous example that I brought this morning, it is a question of the wisdom of those who are applying the law, and this could be done with any law.

You could go at an extreme, but I can assure you -- I had a case last week, where a fellow came in with two grams of heroin, and he was not charged with importation. You have girls coming in with a few ounces of marijuana. They were not charged with importation.

And on this score, we have tried as a matter of course, whenever we had a doubt where we had a substantial quantity -- enough quantity, we would consult always with the same person in Ottawa, so that we would have some sort of a similar policy across Canada, on these quantities.

THE CHAIRMAN: Gentleman at the microphone.

THE PUBLIC: Thank you, Mr. Chairman. Just a brief friendly remark to the representatives of the Justice Department contrary to an impression which some of us received this morning, I find out from them that they are not following you across Canada and filibustering at every meeting to prevent public partici-

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2 pation. It is fortuitous -- it is an accident that they
3 meet in Winnipeg, but they all did this at once, so we
4 had the other impression that they were engaged in a
5 conscious tactic preempting time that the public might
6 use, but it is just a central point where they might
7 meet, and they are all getting together to make their
8 presentation to you.

9 One point that I found interesting, is
10 that while they are saying they are not representing the
11 Justice Department officially, they are not paying their
12 own way to this Commission meeting.

13 So I couldn't do it just one way, I
14 had to get back at you.

15 A couple of points, and some of these
16 are pretty obvious I guess, but I just want to get them
17 said in public once. One is the assumption that the use
18 of cannabis derivatives, hashish and marijuana leads to
19 hard drug addiction. Can we not, once and for all, lay
20 this to rest somewhere and not be faced with it again.

21 Where do you start in train of
22 frivolity, with mother's milk I mean the same person
23 who used marijuana nursed at his mother's breast. Could
24 that cause him to go to heroin.

25 MR. LANDRY: You may find a French Canadian
26 in the Province of Quebec, that is a factor, but

27 THE PUBLIC: Just let me finish this
28 one point.

29 MR. LANDRY: And if I may interrupt
30 for a minute, we are not assuring, you see, I don't want
us to be mis-read, or mis-quoted, or misinterpreted. e

are not assuming something that we are coming to do here is to say, although some people may say this sort of thing is not happening, we have a number of incidents of this sort of thing happening.

Now our idea is to come before this Commission and tell the Commission that this sort of thing is happening. We want you to know, and we want you to look into it more deeply than we have been able to do so, but we are not saying that there is a relationship. We might have our own little views, but the purpose of this exercise is to bring out these facts, and try and determine in a better way than we have been able to do it, probably a more scientific way than we have been trying to do it, to determine whether there is something in this.

(French portion)

THE PUBLIC: There is something I want to indicate because these cannabis derivatives are illegal, that the people are ultimately thrown into the culture where these drugs are abused, and there I think you can make some case. But I think it is due to the fact that the soft drug is illegal, not the fact that the soft drug in itself leads to the addiction of the soft drugs.

You know that there are no psychological dependencies in cannabis, and I think that has been established, and you will hear that in a submission later on this afternoon.

The other point is, just to make it clear that there is a line that one can draw about addicting drugs, and non-

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Je vaudrais bien dire quelque chose
pour approfondix quel que peu les connaissances sur
ce paint - la et ceci est ... english

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2 physiologically addicting drugs. That cannabis drugs
3 are non-physiologically addicting, and that perhaps
4 along this line is LSD, which, although not physiologically
5 addicting, there is chromosome alteration.

6 It has not been established to my
7 knowledge, that chromosome alteration has produced mal-
8 formed human beings.

9 I have no facts on that, but you can
10 draw a line between physiologically addicting, and non-
11 physiologically addictive drugs. So when we are talking
12 about drugs, I think we should be explicit in -- and I
13 think we should stop using the word drugs, and perhaps
14 it is easy to, in one's mind, say, "I know the difference"
15 but every time one says "drugs" one lends freedom to the
16 journalistically created impression, and the popular
17 impression that they are one of a kind.

18 And this relates back to the date of
19 the law. What is the date of the present statute

20 MR. LANDRY: The Narcotic Control
21 Act appears, the present one is 1966, there is one that
22 originates in 1909 with opium, and later on some of the
23 derivatives of opium, 1923, and cannabis is added.

24 THE PUBLIC: 1923. That is the point.
25 That is forty-six years ago, and the state of medical
26 knowledge about cannabis and its medical properties, and
27 addictive and non-addictive, were unknown and unconsidered.

28 The medical knowledge is relatively
29 clear now, I think, and I don't think the majority of
30 this utterance is concerned about the legalization of
heroin, or any of these hard drugs, that we have been
talking about, other than it is certainly a problem for
the Commission to address its attention to.

Whether there should be other formulation, or leave it as it is. I think the real question is, "What are we going to do about the non-physiologically addicting drugs, cannabis derivatives and I have another point here.

MR. CHALMERS: Before you go on, can I ask you one question. Do you see a law prohibiting the possession of speed.

THE PUBLIC: Speed kills, nan. You know that.

MR. CHALMERS: And you would be in favour of a law against its possession, which would send us out to prosecute on, against speed.

THE PUBLIC: Sure.

MR. CAMPBELL: I would like to hear from each of the prosecutors, how many cases in the last year, say, came to your attention, of druggists releasing rugs, or listed drugs, where the proper prescription had not been filed. In other words, where there was a violation of law on the part of the druggists and how many of these cases of this came to your attention, did it go forward to prosecution, and what was the pattern of sentence brought down against the drugs.

MR. CHALMERS: If it came to our attention, now if I could just check with Mr. Malone there is a couple in the mill. This is a problem we are reluctant to discuss.

MR. CAMPBELL: Well leaving that aside, we could hear, perhaps, from Vancouver.

MR. HYDE: Mr. Commissioner, there has not been any that we know of.

MR. CAMPBELL: There has not been any in Montreal.

MR. LANDRY: In Montreal, one case that has gone through, I think it is two years ago, and this man was prosecuted on the amphetamines that were sold to an undercover agent. He received a sentence of one year, plus a ten thousand dollar fine, and two years additional. We are expecting judgment next week.

I have another case pending, where a druggist is charged with having in his possession for the purpose of illicit trafficking, part of those drugs that are mentioned had been stolen at the Montreal Incinerator.

MR. CAMPBELL: Is this an area that you instruct the police to investigate closely, because I am told by many drug users, that they can get speed quite easily without prescription.

MR. LANDRY: I think I can tell you in a little way, how this happens.

You see, a hospital will get a person that comes to our attention, that he is sick as a result of having obtained too freely, the drugs. This information is passed on to the Department of National Health and Welfare, Food and Drug, to control drugs, and is passed on to the R.C.M.P., and this is where our undercover agents will come in to try

Because in order to make out a case, you must have your evidence, and that is the only way of doing it that I know of, is through an undercover agent.

Now in the other fields of drugs which are sold on prescriptions, we have agents of the Food and Drug Department, who are continuously going to

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2 the drug stores, and checking to see if these druggists
3 are selling drugs which should be sold with prescriptions,
4 that are sold without prescription, and we have had a
5 number of cases where, for instance, the famous pill was
6 involved, and somebody would ask for ortho-novum and would
7 be sold ortho-novum without prescription, and we have
8 prosecuted a number of cases of druggists who sold with-
out prescription, such drugs.

9 MR. CHALMERS: First of all, I have
10 here, numbers of drugs seized; first of all with cannabis
11 and in addition, psychobarbital, and then numerous other
12 control drugs -- I won't take your time -- LSD, MDA,
13 pethedene, amobarbital, I'm not reading them all out,
14 there are about sixty exhibits and which is an undercover
case.

15 Actually, of the prosecutions we
16 have had here, we have had one acquittal, notwithstanding
17 our best efforts.

18 MR. CAMPBELL: Is it your opinion,
19 since you are speaking as individuals, that the law with
20 respect to amphetamines, is an unwise law. Should the
law for possession

21 MR. LANDRY: May I answer that. The
22 laws, the control drug part, when it was enacted they
23 left the question of possession aside for this reason.

24 Barbiturates and amphetamines are
25 used extensively in the practice of medicine, and for
26 instance, should my wife have a prescription for barb-
27 iturates, and I would expect not to sleep the
28 night before, I could have taken the very small pheno-
29 barbitol tablet. If I was found in possession of that
30

tablet, my possession would be unlawful because the drugs were prescribed for my wife, not to me.

There is this problem, and when you deal with narcotics, narcotics are not, I don't think, used to the same extent in the practice of medicine as the control drugs.

This is part of the reason why possession was made an offence. Let us bear in mind that amphetamines involved originally and I would say there is no question of this so called illicit drug traffic at that time.

Now we have -- I have personally, a feeling that we are not getting at the moment, too many traffickers in methamphetamine and speed. We are not reaching them for the obvious reason that if a police officer knows that there is a bit of speed in his possession, he can not seize the substance, and in fact I had this very problem last Friday, when I called Dr. Lehmann, where we had a girl with four grams of speed. She had called for help and we went and picked her up.

But we didn't want to charge her with anything, and we couldn't charge her with possession of that drug. If we could have, I would have done it in order to get her into the Bordeaux Hospital for treatment. Now we were lucky, through Dr. Lehmann and Dr. Unwin, to getting this girl in the emergency ward of the Royal Vic, but it is a substantial problem.

Police could remove many of these kids from this drug use, by getting them -- unless you are considering civil committal, which they have in the State of New York, which ^{is} a concept that could be explored, but the fact that it is not an offence at the moment,

I believe is a problem in enforcement.

Now there is one thing that I wanted to mention this morning, since I have mentioned the State of New York. I wanted to put to your attention, the new Dangerous Drugs Act of 1969, of the United States, which has been discussed at the moment where drugs have been classified, re-classified. And in passing, I just want to mention that this might be an interesting concept for your Commission in order to work out a new classification of drugs, if you deem fit to do that.

THE CHAIRMAN: Thank you. I think now, I should call upon Professor Rolland Penner of the Faculty of Law of the University of Manitoba.

Thank you very much gentlemen.

MR. LANDRY: Are we free to go?

THE CHAIRMAN: Yes.

MR. PENNER: Mr. Chairman, and Commissioners, I appear before the Commission today in an individual capacity.

Professionally I am an Associate Professor, Faculty of Law, at the University of Manitoba, teaching criminal law.

I have acted as defence counsel for over fifty young people charged with a variety of offenses under the Narcotic Control Act. In fact, the latest appearance was just yesterday morning. I am the holder of a Canada Council Grant, to conduct a study into the incidence of use of drugs by youth in Metropolitan Winnipeg, and in connection with this research project, I and two research assistants, this summer, met with groups of transient youths, school drop-outs, high-school

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2 students, and police officers, in order to form some
3 preliminary opinion as to what are the principle areas
4 of concern.

5 We are now, Mr. Chairman, completing
6 and will shortly be pre-testing a questionnaire which
7 is designed to be administered to a large sampling of
8 high school and university population of Metropolitan
9 Winnipeg.

10 I wish to make it clear, having
11 said that, that the views expressed are my own, and in
12 particular, do not purport to incorporate any findings
13 from the research project, which is still incomplete.

14 Reference will be made to expressions
15 and opinion heard during the course of meeting with these
16 various groups.

17 Finally, by way of introduction, I
18 should note that some of what I have to say, was originally
19 presented by myself, in a paper delivered in February
20 of this year, to the Fifth Annual Social Science Confer-
21 ence of the University of Winnipeg, and this paper,
22 together with others, appears in published form, and I
23 understand will be made available to the Commission.

24 The criminal laws often appear as
25 an instrument of social policy, and as an exercise in
26 science and logic

27 In my opinion, nowhere today is that
28 proposition made more manifest, than in the controversy
29 surrounding the use of drugs by young people.

30 To a very large number of young
people, whether drug users or not, the law, the methods
used to enforce it, and the punishments being meted out,
seem to be both an irrational extention of parental

authority, into the social arena, and an attempt to use the criminal law to impose upon them, values they either reject outright, or are not prepared to accept without question.

For example, in a paper delivered to the Social Science Conference, at the University of Winnipeg, to which I previously referred, the former Crown Prosecutor expressed himself this way:

"To allow an individual, or a group of individuals to render themselves temporarily, or permanently, into a self-indulgent, non-productive state of euphoria, is to allow the very pillars of our society to become eroded. For, without productivity, can any society progress or exist? Without the concerted effort of each member of society to plant, to harvest and to reap, can we survive? These enemies of our way of life could hope for nothing more than to see each and every one of us, "turned on" and "doing our own thing."

Enemies of our way of life, indeed. Some of whom you have met, and are meeting today. Now, if that were only an expression of an individual, albeit a Crown Prosecutor, it might be passed over in silence, and in sorrow.

But somewhat less bluntly put, but of far greater significance as a passage, from the Judgment of Mr. Justice Monnin of the Manitoba Court of Appeal, speaking for that Court in the case of Regina versus McNicol, and that case, sir, is cited from the Western Weekly Reporter, sir, Volume 66, for 1969, at page 621. And I will refer to the passage in a moment.

ut I say of significance, but not only as a pronouncement from the highest court in this Province, but prior

to this decision which was rendered in October 31, 1968, Provincial police court Magistrates and Judges in the County Court of Winnipeg, sensing the complex nature of the phenomenon, were being lenient in sentencing, but under the dictate of this judgment, thereafter jail sentences were virtually considered to be mandatory, even for possession of minimal amounts of marijuana, and that continued to be the case until the recent change in legislation, a few months ago.

Now, in the course of rendering judgment, Mr. Justice Monnin, speaking for the court, said as follows:

"The prohibition of the use and trafficking in marijuana is predicated upon the premise that it is a harmful and dangerous drug, and that prohibition is a reasonable means of preventing harm and damage to the users, and to those who may eventually be exposed to it. It has a great attraction for young men and young women, in the early formative years, when they should be concentrating on obtaining an education, and the necessary wherewithal to embark on a life of useful contribution to society."

That may be something that he believes in, or perhaps something that I might even believe in, belonging to the square generation.

The question arises whether the criminal law has the appropriate interest, the appropriate type to be used on the passage that I just referred, namely that marijuana is a dangerous drug -- I pause only to note that this patently unproven proposition, and I put it no higher than that, was accepted by the Manitoba Court

of Appeal, without question on the basis of pure hearsay, a license no Court would permit itself on any other issue.

What concerns me more, however, is that what appears from both of these statements, is an unwarranted attempt to use the blunt, crude and generally harmful instrument of the criminal law, to enforce a particular system of values.

In an article entitled "The Cannabis Habit", Dr. H.B.M. Murphy, Department of Psychiatry, at McGill, in discussing the ambivalence in our social attitude towards alcohol and marijuana, put it this way, and again I am not going to burden the Commission with undue numbers of quotations, but this is a brief quotation which I think is to the point.

However he said in the course of summing up an article to which I refer "..... there is yet another reason why, I think, alcohol is tolerated in Anglo-Saxon countries while cannabis is feared. It derives from the work ethic of Protestantism and its hostility towards inaction. In India, cannabis can be tolerated and even used by the Brahmin priesthood, because social inaction can have a positive connotation, whereas alcohol, with its potential release of repressed impulses, is disapproved of, as a disturber and distracter. In Anglo-Saxon cultures, inaction is looked down upon and often feared, whereas over-activity, aided by alcohol or independently of alcohol, is considerably tolerated, despite the social disturbance produced.

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2 carry little weight in social matters, and are
3 relatively easy to control, whereas the alcohol user
4 often carries plenty of weight in social matters, and is
5 difficult to control, as the U.S. prohibition era showed."

6 Sir, in this connection, I can do
7 not better than quote the Wolfenden Report of 1957,
8 when it stated that "unless a deliberate attempt is made
9 by society to equate the sphere of crime with that of
10 sin, there must remain a realm of private morality and
11 immorality, which is, in brief and crude terms, not the
12 law's business."

13 Even if it could safely be assumed
14 in this technological age, an age of rapid transition,
15 that work is virtue and virtue is work, what right has
16 anyone in a pluralistic society, to enforce values of
17 that kind on the pain of imprisonment?

18 Said one high school student, with
19 whom we met with the approval of many others, "Drugs
20 are not the issue." And by that, as he explained it,
21 he not only referred to the policy behind the law, of
22 which these young people are very well aware, but also
23 to a most important fact, a fact which has been missed
24 in the panic of the moment, namely, that increasing drug
25 use by young people is symptomatic, and I will speak
26 about that, shortly.

27 Said another high school student
28 again with all the approval of all the group of which he
29 formed a part, "The law is immoral in principle, and
30 unworkable in practise", and I wish to deal with that
31 aspect of the problem, very briefly.

32 What seems to concern young people,
33 more than anything else, is the discriminatory nature
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not only of the law, but of its enforcement. For very many non-users, as well as users, the law has lost its credibility. It is, to them at least in this area, merely an instrument of suppression. Let us call the role from their point of view.

Witness the fact that while their parents and the law makers, and the law enforcers swill alcohol by the billions of gallons, smoke tobacco, pop diet pills, sleeping pills, tranquillizers and so on, by the billions annually, youth are jailed for even trying a drug which is, at least apparently, less harmful to them, and less socially dangerous to others, than any of their parents' drugs.

Witness the fact, that while it is common knowledge that the use of marijuana is a reasonable widespread middle class phenomenon which embraces businessmen and professionals, as well as youth, almost all arrests are of kids from the street.

Witness the fact that in order to enforce this particular law, the ranks of young people have been infiltrated by R.C.M.P. undercover officers, who win their confidence in order to betray it.

During the summer, I had occasion to meet with police officers in various centres, and I asked why it was, that so few arrests were made of professionals and businessmen.

The answer was frightening, if obvious, and I paraphrase: If we hassle the kids on the basis of rumour or suspicion, and we are wrong, there is no "heat". But can you imagine what would happen to us if we busted a lawyer or a doctor, and we were mis-

taken?

I think, sir, there is a gross misuse of the writs of assistance which the R.C.M.P. officers are allowed to carry, that without reference to a justice of the peace, to at least justify the use of the writ of assistance, they are using it indiscriminately, and hence in a discriminatory way.

Sir, and members of the Commission, assuming that drug use of any kind is socially undesirable, and that would be a very broad assumption indeed, it seems to me scarcely arguable that the criminal sanction should be the method of last resort in seeking to control such use.

Objectively, the social cost in terms of police, prisons, courts, and the whole paraphernalia of criminal justice is enormous.

Subjectively, the psychic cost to the individual who is subjected to the criminal process was graphically commented on very recently, by the U.S. Government's Chief Psychiatrist, Dr. Stanley Yolles, Director of the National Institute of Mental Health, when speaking about marijuana punishments. He said, and I quote:

"I know of no clearer instance in which the punishment is more harmful than the crime. The social and psychological damage caused by incarceration is in many cases far greater to the individuals, and to society, than the offence itself."

As Dr. Margaret Mead recently put it, "We are damaging our country, our laws and the

relations between young and old, by the prohibition against marijuana.

This is far more dangerous than over-use."

And this comes to, brings me to my final, and perhaps, principal point. If, as I have suggested it is, criminal law is at least in part the application of criminal policy, then a policy which is formulated and maintained without reference to psychic, social and criminogenic consequences and to the actual condition of our time, because as has been noted, marijuana was included in 1923, a policy which reflects values and mythology, such a policy must be quickly revalued and, in my opinion, sir, drastically changed, if it is not to add to the increasing and damaging alienation of youth from society.

Based on discredited ideas and irrelevant value systems, we are ignoring the much more basic questions which lie behind drug use, which, as I said earlier, is symptomatic as much as explicit.

Why drugs are taken is basically the problem. Is not the alleged breakdown in communication simply our own blindness to clear signals? What are our young people trying to tell us?

Over forty years ago, W.L. Scott, K.C, first draftsman of our Juvenile Delinquent Act, put it this way, and I am quoting, sir, from a reference to his article, which was contained in an article by Graham Parker of the Criminal Law Court, and he cites Mr. Scott as having said this:

"How many of the disturbing manifest-

ations of youth in conflict are really, youth in conflict with the fundamental precepts of our social structure. Are they not rather youth, clear-eyed, trustful, fundamental, tearing at the superficial mockery of our hypocrisy, fighting through again to the fundamentals, sneering contemptuously at our canons and conventions, which are upheld in our words, but denied in our deeds?

There is a grave question as to whether what is really fundamentally required is not a moral revaluation of our own social life and standards, and the adjustment of modern life, either to the precepts we preach, or the adjustments of those precepts to our actual practice."

And finally, "How much of our present delinquency," and I put it in 1969 terms, "in our intellectual group, is directly attributable to youth's inability to adjust itself to our unstable, social conduct, and how much to the maladjustment of youth itself, is a fundamental social problem in this field, at the present time."

It has been said, that bad law is the worst form of tyranny. How much more evidence do we need to understand that attempts to legislate morality result not only in the alienation and widespread disrespect for the law, but as with prohibition of liquor and now with illegalization of marijuana, creates new markets and new profits for organized crime.

And I conclude in this way.

Dr. James I. Goddard, former director of the U.S. Food and Drug Administration, recently stated, in fact in a very popular article in Life magazine:

an unwelcome, discriminatory, and hypocritical intrusion of the criminal law into the area of private and consensual behaviour, all of which is respectfully submitted, sir.

I may just add, sir, I regret not having had this available in sufficient forms for the Commission. It will be available in typed form, tomorrow.

THE CHAIRMAN: Thank you very much, Professor Penner. Are there any questions or observations?

THE PUBLIC: Professor Penner, with respect, I refer to the paraphrasing you made of the Police Department. I was a policeman myself for five years, and I find it difficult to be able to paraphrase a policeman in the terms which you did, if we hassle the young kids, or whatever it was, then the heat would be on. That doesn't sound to me, to be the ordinary thing a policeman would say. However, it does -- I relate to your argument, and could I point out that it has been my experience that the reason there are more arrests made in the juvenile area, is because the tactics which the police use, in gaining friendship, and then as you say, betraying it, or -- I would prefer to -- as gaining friendship and then exercising it to the -- using it to the furtherment of the laws of our country, which haven't yet been changed, is the effective means against the juvenile.

But you certainly couldn't use that against professional people, because they obviously are not going to fall for that type of tactic.

Another thing, and I ask this not critically as I did the other two, can you explain

perhaps, or give some explanation as to why cannabis is so often found with drugs that are proven killers, or physically dangerous, as is pointed out by the Crown Prosecutor from Toronto and the Crown Prosecutor from Montreal. Why is it the police are finding the killer drugs with cannabis, if there is no relationship, or where is the relationship?

MR. PENNER: Thank you, Mr. Uris.

First of all, you suggested that what I had paraphrased was not what a policeman would say. I may simply suggest this to you, that on each of the principal occasions on which I spoke to police officers, I had with me our two senior research associates, and notes were taken of everything that was said.

I do not purport to quote anybody, because the occasion was privileged, and no names were being revealed at the express request of the police officer. However, I can assure you that this, in fact, is what was said.

Secondly, with respect to the reason that you suggest why young people may be susceptible to undercover agents and businessmen aren't, simply says to us, that we have here a group which is naive, trustful, and lacking in ability to defend themselves as a hardened businessman, lawyer, or professional is. That is no excuse, in my opinion, for the law to be discriminatory in its enforcement practices.

It simply suggests why it is. It does not excuse the fact that it is.

Thirdly, you raised the question of why it is, that you put it so often -- I don't think it

is quite as often as that, but it does happen, that when cannabis is found on a young person, you may find on him, or in the apartment, there are other drugs.

In relation to that, I think two statements which have been made with respect to progression to heroin from a recent speaker from the floor, who suggests a possibility that even the Narcotic Research Foundation of British Columbia, in a recent report in which it tried to find some connection between one and the other, said this, and I think it answers your question as well -- and I am quoting in part:

"Heroin is now available in the circle of non-narcotic drug users, in the area of greater Vancouver, for those that have been accepted by the sub-culture."

What this suggests to me, in fact, is the main point that has just recently been made, that young people have been driven into what is called, God knows why, a sub-culture, let us say an illegal area in which to procure drugs, when the possibility of them being influenced by hard drug users, or users of drugs like speed, is immensely increased.

The real danger is, that we are pushing these young people into that particular area. Now that, I think, is the best way that I can answer the point raised by you.

THE CHAIRMAN: Dr. Lehmann.

DR. LEHMANN: Professor Penner, I understand that you consider the criminal law, then, as some kind of an over-reaction of society against something which they are concerned, because of the value

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2 system, and potential dangers, but these potential dangers
3 are minimal as compared to the dangers that lie in the
4 over-reaction with criminal law.

5 What is your feeling, or your stand,
6 about speed and heroin? Should that remain a criminal
7 offense? For instance, while trafficking in speed with
8 the possession of heroin, because there isn't really very
9 much wrong with heroin physically, except that it pro-
10 duces physical addiction, which is in fact, in the field
11 of -- behavioural scientists consider it to be less
12 dangerous than psychological addiction, and there is no
13 firm evidence that marijuana can not lead to psychological
14 addiction.

15 MR. PENNER: The point is very well
16 taken, and as I indicated, I was hesitant in coming to
17 a position where I advocated the legalization of mari-
18 juana, and it is quite true that taking the same arguments,
19 it is arguable that possession of other drugs, that is
20 possession might, on the same basis, be urged that they
21 might be legalized.

22 Quite recently, in a distinguished
23 work by a distinguished academic professor, H.L. Packer
24 of Stanford University, he analyzed the results of
25 fifty years of possession of heroin in the United States,
26 and illustrated -- in fact, I have the work here, but I
27 don't want to bore the Commission with its quotations
28 ad infinitum, illustrated all of the harmful side effects
29 of the intrusion of the criminal line to that particular
30 area, the monopolization of the trade and traffic by
criminal elements, the unwelcome effects of the police
acts, all of these he outlined in a very careful way, and

1 I only hesitate in going so far as to advocate that
2 possession of the other drugs be not legalized, because
3 I, myself, am not certain -- I'll put it this way --
4 there is another argument which intrudes, and that is,
5 it can much more explicitly be said with respect to
6 speed and heroin, that there are harmful effects, to
7 other than the user, to a much greater extent than is
8 the case with marijuana.

9 Certainly, with a drug like speed,
10 as I understand it, and I confess my understanding is
11 somewhat limited, there is much more likelihood that a
12 person under the influence would do something dangerous
13 to others, as well as to themselves, and if there is
14 one proposition that has been accepted in the criminal
15 law, which is reasonably reliable, and that is, that it
16 does play a role in protecting others ---

17 MR. LEHMANN: That is not true for
18 heroin, though.

19 MR. PENNER: I understand that it
20 is not true for heroin, and in fact what has happened
21 with respect to heroin, an even greater side effect, is
22 that people who are driven into the illegal market are
23 automatically driven into crime, in order to sustain the
24 habit.

25 MR. LEHMANN: Do you not think that
26 in due time, there would be a clear argument of the
27 heroin user, if marijuana would be legalized, say, and
28 it could be argued alcohol is legal, why shouldn't

29 well, couldn't they then say, mari-
30 juana is legal, why shouldn't heroin be? It isn't any

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2 more dangerous.

3 MR. PENNER: Yes, I think this
4 follows logically ut in advancing the particular
5 position that I have advanced in coming to a conclusion,
6 I have in mind one other factor that I think is of
7 some importance.

8 It is perhaps vain to hope, in a
9 society which I earlier termed as pluralistic, that law
10 can on every occasion be consentientual, but I apprehend
11 a difficulty when the law gets too far ahead of the state
12 of public opinion, and I wanted to separate the idea of
13 advocacy, so that legalization of the possession of heroin,
14 from that of marijuana, which are not the same kind of
15 drugs, either medically or in the minds of the Canadian
16 people.

17 MR. LEHMANN: Thank you.

18 THE CHAIRMAN: Yes, the gentleman at
19 the microphone. Come to the microphone.

20 THE PUBLIC: I have two questions:
21 one to Professor Penner. I was left a little bit unclear
22 as to whether the change of your position since February,
23 1969, to November 13, 1969, was at all influenced by
24 what you might admit, was preliminary work in regard to
25 a survey.

26 Could you -- I have the feeling that
27 these discussions that you have had preliminary to your
28 survey, have been a factor in you raking up your mind.

29 MR. PENNER: Isn't it November 14th
30 today?

THE PUBLIC: 14th? The reason I

ask, is that you are going to be doing a research project eventually, and you have already made a finding.

MR. PENNER: Not at all.

THE PUBLIC: You have not really got the project off the ground, at least this is the impression that I was left with, Mr. Chairman, because if I may repeat my point.

MR. PENNER: I don't think it is necessary. I understand it.

THE PUBLIC: Well I think it is, for my own sake. Maybe I'm coming wrong, I understood that in February of this year, you had a position which you called half-way house, and then you said you had a Canada Council Grant in which you were to do some research which, really, you have only done preliminaries to, and in the preliminaries to this research, you have been talking to a number of people, and I took it that from this preliminary, you have concluded with the statements you made at the end of your presentation, namely that the use of marijuana be put on a comparable level with the use of alcohol.

Now I am really somewhat confused about what further research is to be done now.

MR. PENNER: I understand, Mr. Potter, I take it that you have been confused, and if so, I simply put it down to my inability to emphasize what I thought I emphasized, and therefore I emphasize it again, namely, one, I said explicitly, and I say it again, that none of the findings, there are no findings as yet, resulting from the research which has just been undertaken, and I made it explicit that I wasn't attempting

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2 to base anything that I said, as purporting to be from
3 findings, I said that at the very outset as a cautionary
4 note.

5 Secondly, I stated the reason why
6 I thought my half-way house position of February, 1969,
7 was wrong, was because in my opinion, it was unworkable.

8 I made no reference whatsoever, at
9 that time, to, that the change in my position being
10 linked to any alleged finding, nor indeed could it, on
the basis of the kind of research we are doing.

11 THE CHAIRMAN: I think perhaps, if
12 I may, Professor Penner, maybe just that very last thing
13 you said, which requires clarification, that is the poss-
14 ible relation of any of the research you are undertaking
15 to the work that you are doing, the workability of the
16 present law, I think perhaps that is the clarification.

17 MR. PENNER: Well I would hope when
18 the research product is completed, we will have some
19 pliable instance of the use, the characteristics of the
20 users, and perhaps there might be attitudinal relation-
ships.

21 I would hope that that would be the
22 results of the research, but we don't have the results.

23 Another point with respect to changed
24 position, was related to my own belief and the unworka-
25 bility that says marijuana may be legally possessed, but
it may not be legally obtained.

26 THE CHAIRMAN: I might just ask a
27 further question, because it may be of some interest to
28 us, the Commission, in sorting out our own ideas; I
29 refer from what you have just said, that the epidemio-
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logical research -- am I right in assuming that this is research on the extent of use?

MR. PENNER: In part, yes.

THE CHAIRMAN: In part. Am I right in inferring that you do not feel that this research is necessary to await the outcome of this research to express the opinion you have as to the workability as you put it, or appropriateness of the present laws against marijuana.

MR. PENNER: No. Those opinions which I expressed, I made it clear, were based on other experiences which I have had, not on statistical findings. That is, my experiences dealing with young people, both

THE CHAIRMAN: You don't think that the results of your survey could have bearing on your judgment about this question on whether the law is ---

MR. PENNER: I would hope that the results of the survey would have some considerable bearing on my opinions, but I don't think that it will affect the basic position that I have, with respect to discriminatory nature of the law, its unworkability, and the undesirability of the law with respect to possession of marijuana.

THE CHAIRMAN: I think that it may be that this was covered in your question exchange with Dr. Lehmann, but I want to make sure that I have it clear in my mind.

When recommending the legalization of marijuana, what are your assumptions concerning the immediate and long term effects of marijuana.

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2 MR. PENNER: My assumptions on the
3 immediate effects of marijuana, and I make a lot of
4 assumptions, are based on my reading of the two most
5 recent control studies, the Wheel Study in Boston in
6 1968, published in Science, December 13, 1968, and more
7 recently, the study published in Science of May, 1969,
8 by the Bureau of Motor Vehicles, State of Washington.

9 I think the Commission has both of
10 those studies, and I have both of them available here,
11 if any reference to them is explicitly needed, but based
12 on those studies, I make the assumption -- and it is no
13 more than an assumption, because I am not a scientist in
14 that field, but recognizing the kind of control factors
15 which one looks for these days, that the immediate effects
16 of the use of marijuana are relatively few.

17 As to the long term effects, I don't
18 think anyone can say at this stage.

19 THE CHAIRMAN: Yes, but you do have
20 an assumption concerning the long term effects, and that
21 is that nothing is known about them; is that your assump-
22 tion concerning them?

23 MR. PENNER: No. My assumption is
24 not that. I know that there have been studies, the
25 Indian Hemp Commission study, particularly as far as a
26 long range in-depth kind of study, but it is some seventy
27 years ago, and the LaGuardia study which was of a little
28 greater length, but I wouldn't think that we would today,
29 base an opinion on the long term effects, on those
30 studies.

31 We
32 but I don't think there is available, at least I don't
33 know of any studies, which can safely be said to have the

control factors we look for, which give us the long term effects.

But I make one other assumption, that assuming the long term effects on the user to be harmful, assuming that this is no warrant for the inclusion of the criminal law in this field.

THE CHAIRMAN: Excuse me, I interrupted you.

THE PUBLIC: That is fine, thank you Mr. Chairman, for helping to clarify what I had in mind, about your question.

I think we had a point.

I think the other matter is, I am wondering if the Commission has had a presentation from the Addiction Research Foundation of Ontario, and specifically, by doctors Sisson, and Andrew Malcolm, with regard to their interdisciplinary study of marijuana, because if they have, I think I am correct in suggesting to you, that there are one or two issues about the comparative harmlessness, comparative lack of psychological dependency factor, that is rated by that study.

I heard Dr. Andrew Malcolm deliver the first paper on this, in Vancouver, at the North American Association of Alcohol Programs, and I have a copy of that paper, and I think it does raise a few questions, which really add up to this; that the position of the Addiction Research Foundation, which hesitates decidedly about recommending any kind of legalization, but that does without hesitation, recommend a good deal of research before that position is reached.

I merely want to make that statement.

1
2 Thank you.

3 THE CHAIRMAN: The answer is that
4 we have received those papers and we have heard that
5 evidence, we have heard that privately.

6 We invited the Addiction Research
7 Foundation to make a public submission, and I understand
8 they will probably be appearing before us, in Ottawa,
9 at our hearings on December 12th and 13th, but we have
10 been made aware of all of their research work.

11 THE PUBLIC: Well, I will take it
12 upon myself to see that Professor Penner has a copy of
13 that, because it deals with a group of subjects, that
14 number if my memory is correct, about two hundred and
15 forty-five, which like the Wheel Study is a much greater
16 figure, because the Wheel Study, I believe, dealt with
17 subjects that you could cover on two hands twice, easily.

18 MR. CAMPBELL: May I ask one question?
19 Your argument is basically based on pragmatism, that the
20 present law doesn't work; you suggest control similar to
21 the control on alcohol; this would apply an age factor,
22 twenty-one, eighteen, something of this sort; and yet
23 marijuana is used by people, to a large extent, under
24 twenty-one.

25 What reason do you have to think
26 that this would work?

27 MR. PENNER: First of all, sir, I
28 said analogous to the law dealing with alcohol; I did
29 not thereby mean to infer that it ought necessarily to
30 be the same.

There is great doubt in my mind with
respect to the present alcohol law, as it is in the

1 Province of Manitoba, where the age is twenty-one.

2 In fact, it is violated constantly.

3 There is a large population of young people between the
4 ages of eighteen and twenty-one who are, in fact,
5 drinking and perhaps the law might have to take recog-
6 nition of this fact; that we assume adulthood at eighteen
7 for so many other purposes; that perhaps the drinking
8 age might reasonably be lowered to eighteen.

9 I don't know, I am suggesting that is
10 a possibility. I would see no reason, if that is found
11 to be meritorious, why, if the law is to be something
12 based on, somewhat analogous to the law controlling the
13 use and trade in alcohol, the age should not also be
14 somewhat similarly ---

15 MR. CAMPBELL: What do you do with
16 the sixteen year olds, the fourteen year olds?

17 MR. PENNER: Throw up your hands,
18 and hope for better times to come. I don't know.

19 THE CHAIRMAN: Thank you. Mr. Stein?

20 MR. STEIN: Yes. I have two comments,
21 one to the gentleman in the audience who brought up the
22 Sisson Study. To my understanding from reviewing that,
23 there is quite a different kind of undertaking there,
24 in comparing it to the study in Boston, in that the
25 study in Boston was an attempt to do some controlled
26 work with the effect of marijuana on human beings, and
27 until the recent announcement by Health Minister Munro,
28 it has not been possible to do any research directly on
29 human beings, whoever they may be, here in Canada.

30 So I am not sure that the two have
any kind of comparable reference points.

I had a question for you, Dr. Penner.
Is it Doctor?

MR. PENNER: Thanks very much. Just
Professor Penner and I am not so sure that I merit that.

THE CHAIRMAN: That is enough in a
law faculty.

MR. STEIN: We had a presentation
last week in Montreal, from the Canadian Medical Assoc-
iation, which, among other things, they made reference to
the to distinguish between what they called casual,
moderate and heavy, and chronic, users of drugs.

They make a suggestion, and I am
interested in your response to this, that there may be
appropriate relation to those individuals who are in
those terms, as they call it, chronic users, and who are
freely involved in some kind of self-destruction -- those
aren't their terms, but there ought to be some kind of
commitment, proceedings perhaps through the Mental Health
Act, they don't spell it out -- my question is, what do
you think, as a member of the criminal law, about the
possibility of moving to this kind of procedure.

Do you follow?

MR. PENNER: Yes, I do, In fact, I
might invite Professor who is here in the
audience, and on our faculty, and who has done work --
well, he came here in July, -- in New York in the drug
field, and he has some opinions on the whole question of
civil commitment, if he might want to contribute at this
point at I just might say for myself, that the idea
of civil commitment is alien to me, because it means
that without the safeguards of the criminal law, and the

1
2 criminal process, people may be committed for indefinite
3 periods of time, and that is, I think, a very dangerous
4 development. I think it is more in the nature of a
5 problem created, than a problem solved. But if Professor
6 Steinman wants to add his own experiences that from
7 New York, if it is of any use to the Commission, he is
8 here.

9 THE CHAIRMAN: I should like to just
10 say at this time, I wish to apologize to all those who
11 are obliged to stand in the hall.

12 We seriously underestimated the
13 requirements here, and we have made arrangements to move
14 tomorrow, to the auditorium of the Concert Hall across
15 the street, where we will have room.

16 I thank you for your patience, and I
17 regret your discomfort. We didn't anticipate our require-
18 ments, but there are some extra seats here.

19 THE CHAIRMAN: Yes, gentleman at the
20 microphone.

21 THE PUBLIC: Professor Penner asked
22 me to comment about the possibility of civil commitment
23 programs,

24 For a number of years, there have
25 been programs of civil commitment of narcotic addicts
26 in New York State, and I am very much familiar with that
27 program. I have talked to more addicts committed under
28 that program than there are people in this room.

29 I happen to have some very strong
30 opinions about civil commitment, and I don't even know
if I can talk rationally when speaking about civil
commitment of drug addicts. The program of civil commit-

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2 ment of drug addicts in New York, has resulted from
3 pressure upon political persons to eradicate drug prob-
4 lems, people who look for an easy solution, who determine
5 that the easy solution which will satisfy their unenlight-
6 ened constituents, is simply to remove drug addicts from
7 the streets, to put them into institutions which are
8 euphemistically called hospitals, to hire prison guards,
9 to call them medical personnel, to equip them with
10 revolvers in the case of drug addicts becoming violent,
11 to see that the drug addicts who are civilly committed
12 occasionally attend group therapy sessions, perhaps once
13 a month for about ten or fifteen minutes.

14 This has been the progress of civil
15 commitment in New York. The program is apparently a
16 great flop. There just don't seem to be enough trained
17 people to operate the program.

18 Another question is, how do you ever
19 cure a drug addict? what does the word "cure" mean? If
20 you take him into a controlled environment in which he
21 can really not make any decisions of his own, and you
22 simply keep him locked up, are you ever going to cure
23 him of the problems which have caused him to become a
24 drug addict? Or, if you cure him of drug addiction, how
25 do you know he won't become a helpless neurotic? And is he
26 then considered cured?

27 I don't know what else I could say
28 about the program. Even if you look ---

29 MR. STEIN: One question on this, and
30 I appreciate the vigor of your response here.

Has there been, in New York, or have
you heard of any satisfactory definition in your esti-

mation of what drug abuse is. Not drug addiction, but drug abuse.

THE PUBLIC: I would think, and I spent two years working for the Senate for Studies and Substance Use, which is affiliated with the Department of Health, Education and Welfare, that drug abuse referred to the use of any substance which could be ingested internally, and I believe you were one of the gentlemen who was smoking -- that may be incorrect, but Mr. Moore, you were smoking -- I don't know how much you smoke, I happen to know something about the harmful effects of cigarette smoking, and I don't smoke cigarettes.

You might have a substance use problem.

MR. CAMPBELL: He does.

THE PUBLIC: I think about the friends of mine who smoke marijuana, and I can think of -- in fact I remember when I first came to Winnipeg, I attended a party at Mr. Penner's house, and I told him it was the first party I attended in two years, in which marijuana was not smoked.

The parties I have attended in New York have been parties frequented mostly by professional people, by lawyers, by doctors, psychiatrists, sociologists, social workers, educators. In a room of fifty people you would probably find about seventy-five academic degrees.

MR. STEIN: They are all deviants.

THE PUBLIC: Exactly, they are deviant. Because as you and I -- as Professor Becker has

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2 amply demonstrated, deviance is what some people
3 decide is simply deviant.

4 It is simply a label provided by the
5 powers that be. That is deviance, that there is prob-
6 ably nothing in this world which is inherently deviant.
7 But the people who make our laws decide that certain
8 forms of behaviour shall be deviant, therefore, the people
9 who practice those forms of behaviour are deviant.

10 But just to return to your comment
11 about civil commitment, I spent a lot of time in such
12 institutions in New York as Pheonix House, Exodus House,
13 the Cinenon program, and some of you are familiar with
14 these types of procedures in which a community of drug
15 addicts would simply set up a house, will simply police
16 themselves, in which ex-addicts, who have a very strong
17 feeling about alcohol --about drug addiction, will attempt
18 to cure drug addicts by taking them into this environment,
19 by saying, "We were drug addicts, we kicked the habit. We
20 will help you now kick the habit in this controlled
21 environment." And what you will find by keeping people
22 in a closed controlled environment that they may kick
23 the drug habit. But they are totally unable to function
24 outside that environment. And this has been the problem
25 with Pheonix House, with Exodus House, with Cinenon.

26 They would have drug addicts in the
27 houses for a year, two years. At the end of the period
28 they will say, "You are now cured of narcotic addiction.
29 Now go out into the world." And these people are scared.
30 They won't go out into the world.

THE CHAIRMAN: Dr. Lehmann wanted to
make an observation on that.

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2 DR. LEHMANN: Dr. Steinman, I hope
3 you will have the opportunity to visit some Canadian
4 hospitals. We do not have prisons here, prison guards
5 you call them, nursing aids or something. I haven't been
6 around, but I certainly will make it a point to visit
7 the New York hospitals.

8 Then do I take it that you would take
9 the rather realistic attitude that once you are a drug
10 addict, or for that matter, a dedicated member of the
11 drug sub-culture, you are -- can I put it, throw up your
12 hands, and hope for better times to come Now, would
13 that mean then, that if, and this happens quite often,
14 as a psychiatrist I see these cases or problems or
15 tragedies daily, that a young person, or middle-aged
16 person is taking speed or heroin, or a mixture of drugs,
17 LSD and so on, and as we psychiatrically feel, and are
18 quite prepared to judge and usually, unfortunately, are
19 right, quite liable to commit suicide within the next
20 year or two, or ruin himself because he has already lost
21 twenty pounds, and is rapidly going downhill, loses all
22 resistance to infection and so on, that these people are
23 then taken to hospital when they freak out, as the term
24 is, and we can very quickly get them on their feet within
25 a few days, a week usually, and then -- and that is a
26 rule, most of these people feel "Well, thank you very
27 much, and now may I leave" and of course, we have to
28 then let them go, and are very glad to because there is
29 a great pressure for beds and need for beds, but the
30 courts, the police, the parents and a very great segment
of the public, are constantly criticizing psychiatry for

1
2 not treating these people.

3 All they do, is take them into the
4 hospital, sober them up, and then let them go again
5 without treating them, where we can not treat them,
6 because they don't want to be treated.

7 They say this is their style of life,
8 that is their philosophy, that is the way they want to
9 live.

10 THE PUBLIC: Doctor, how do you treat
11 someone who doesn't want to be treated?

12 DR. LEHMAN: Well in psychotics, we
13 commit them.

14 THE PUBLIC: You commit them. Here
15 we apply a label to certain people. We say you shouldn't
16 use narcotics. You use narcotic drugs; you are criminals.
17 We apply this label and then we forget about ^{then} / By definition
18 we say ou have a problem. Now we will put you away,
19 and keep you locked up until you get better, whether you
20 like it or not."

21 Now, if this isn't tyranny, then I
22 don't know what is. I certainly share your concern to
23 help these people. I think one, you can only help people
24 who want to help themselves, and people ⁱⁿ belief
25 has been the basis for anti-marijuana laws, I am sure
26 would be the first to say, "God helps them who help
27 themselves" and I am sure psychiatrists can only help
28 those who will help themselves.

29 DR. LEHMANN: Well, that is fine. I
30 hope you will contact the law enforcement agencies and

THE PUBLIC: But there is no help

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2 for these people unless they want to be treated, and
3 therefore it is nobody's responsibility, and certainly
4 psychiatry can't help them, and there is no treatment
5 for these people unless they want to be treated.

6 THE PUBLIC: I think one factor
7 that you have mentioned is, what do we do? I know I
8 was involved myself in attempting to develop programs,
9 setting up alternative forms of social control, to attempt
10 to attack drug problems.

11 I think if we approach drug problems
12 from a public health prospective, I think that this might
13 help.

14 Here we have taken the most severe
15 form of social control, criminal sanctions -- attempt to
16 apply criminal sanctions to deal with problems which may
17 be more properly handled in the realm of public health.

18 If we consider venereal disease a
19 problem, we don't go and lock up people who have venereal
20 disease. We attempt to educate them. This may be
21 considered a form of social control, which might be more
22 effective.

23 You will find in New York now, the
24 T.V. writer Rod Serling is making commercials, little
25 spots on television which convey to people not to use
26 methedrine or speed, and Rod Serling is the type of
27 working people, side burns, young people identify with
28 him. He comes on television, he says, "Look, be hip,
29 don't use this drug. It's dangerous; you shouldn't use
30 it. Be smart."

31 He doesn't come on,
32 you know, and say, "This drug is against the law."

You people are being criminals.

People are doing the same thing with marijuana. You can talk to high school students. Right now, you can say, "Don't use marijuana because it's illegal. Even if it is legalized, some of you shouldn't use it. And then you can simply tell them you don't even think that it gives you such a great thrill, that it's worth it.

If you talk like that, you may make some sense, and that's part of two years in a program in high schools in New Jersey talking to children in schools, which reported use of marijuana running from about sixty to eighty percent in some of the most affluent communities in the world, and we talk to many kids who are confused about drug use, who use marijuana who are using amphetamines. We have programs in which we talk to them, not simply about drugs, but about teenage life-style and ---

DR. LEHMANN: But if I understand you right, you would say that treatment is a myth of the drug user?

THE PUBLIC: You are talking about treatment of the narcotic addict.

DR. LEHMANN: Of the narcotic user.

THE PUBLIC: You take an average marijuana user. What is there to treat him for?

DR. LEHMANN: Of any drug user. The dangerous speed user, the inveterate heroin addict, or the dangerous LSD user.

THE PUBLIC: I would be the first to agree with you that a number of, probably a substantial

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2 amount of the people who use drugs such as heroin, LSD,
3 might have psychological problems, or whatever you call
4 it. The people who do need help. And I would hope that
5 these people would receive help, but I think that you
6 also agree with me that the term "involuntary treatment"
7 is really a contradiction in terms that it accomplishes
8 nothing, that you can't treat people who don't want help.

8 I think that ---

9 DR. LEHMANN: No, I am sorry, I would
10 not agree with you in generalizing this statement. There
11 are certain mental conditions which respond very well
12 to enforced treatment.

13 THE PUBLIC: Certainly, yes you are in
14 a better position to ^{know} than I am, but I think you might
15 agree with me, as a general statement, that if you took
16 all the narcotic users, say in New York City, who might
17 number a hundred thousand, and you simply took them off,
18 let's say, into the countryside, and put them in institu-
19 tions, and kept them there for an indefinite period of
20 time, I would ask you how many of those people would
21 return to society, cured of their drug use, and cured
22 of the psychological problems which caused them to become
23 addicted in the first instance.

24 DR. LEHMANN: No, I agree with you
25 that the use of marijuana may be a style of life, but
26 then there are many other drug users, and unfortunately,
27 there is an assumption, a very vague assumption, by many
28 quite sophisticated people, that treatment must be given
29 somehow, and they do not realize as you pointed out, that
30 unless one has some way of enforcing treatment, that
ninety-eight percent of these people would not want to

be treated, and therefore can not be treated.

THE CHAIRMAN: Miss Bertrand has a question for Mr. Penner, I believe.

PROFESSOR BERTRAND: Yes, I would like to speak to Professor Penner, as a Professor of Criminal Law.

We have seen and heard this morning, and at noon time --

THE CHAIRMAN: What -- can you give us some help here with the microphones?

Thank you. You are not turning us on and off, are you?

PROFESSOR BERTRAND: We have seen and heard this morning, and at noon time perhaps, that in the opinion of some of the participants here, some sections of the criminal law were considered as obsolete or ill-founded, or things of this sort. I am not saying we agree with that, but we certainly had some witnesses who came with this idea.

On the other side -- not on the other side, but complimentary to that, some officers of law enforcement, be they policemen who have come before us in other cities, and also prosecutors, have told us that their duty was not to criticize the law, but to enforce it.

I am just wondering what is the stand of the Professor of Criminal Law, with regard to the actual Criminal Code of Canada; do you think that your duty is to teach it as it is or how do you see your role, for instance, as to the education of the Canadian population, and especially of this population

of Winnipeg and Manitoba?

Would you go into some sections of the law, which would seem to be obsolete.

MR. PENNER: Thank you. I think I understand the question. My duty as a teacher is, in the first instance, to make it perfectly clear to those who I would teach, what my opinions are, to tell them what my opinions are in the first instance, before we go any further and to welcome them to accept or reject them, as they wish.

Having told them what my opinions are, I proceed to examine this aspect of the law as I would any other, critically. That is, looking at it first of all in terms of its social origins, its (inaudible) framework. Why do we have these laws? From what policies do they originate are these policies h policies today is the law workable is the law consistent.

I place with these questions respect of the criminal law, so that out of such a question and seminar situation we develop, hopefully, people who are lawyers in the real sense, that is, able to look at everything critically, minutely, questioningly, so that they would become better people I would hope, and better lawyers.

Whether or not they accept my opinions, and I would hope ^{they do} and I am not surprised when I find a very significant portion of my class reject my opinions. Then I know we have a very good class.

THE CHAIRMAN: Mr. Penner, before we release you, I would like to ask just one more question

concerning your assumptions, assumptions as to effects.

If ^{there} were established evidence put before us to your satisfaction, that the following proposition was true, that the users of marijuana are more likely than non-users of marijuana, to become users of heroin, would you still advocate the legalization of marijuana?

MR. PENNER: Yes, I would.

THE CHAIRMAN: Thank you.

I call now, upon Professor Len Rutman, from the Department of Sociology. Thank you very much Professor.

MR. RUTMAN: Mr. Chairman,

THE CHAIRMAN: Excuse me, yes.

MR. RUTMAN; My brief will be brief. I come here as a person who was involved in the Social Science Conference that has been referred to already.

It was held last year, February 6-8 1969. The topic was "Drugs: Use, Abuse and Public Policy".

The purpose of the conference was to bring to Winnipeg, experts who would present papers on the medical, psychological, sociological, legal and educational aspects of drugs, as well as to facilitate discussion with respect to the above, so that public police recommendations could be formulated.

The conference involved approximately three hundred delegates, including university and high school students, parents, social workers, doctors, police, and other related persons.

The public policy recommendations were formulated at the end of the conference, and represent

statements in which there appeared to be consensus on the part of the delegates.

Subsequently, the Community Welfare Planning Council endorsed these recommendations.

It was recognized that there is at present a significant and growing amount of use, and abuse, of drugs. It was felt necessary to make this distinction between use and abuse.

While the misuse of drugs seems to be significant, it must be seen first in the context of distortion by the media, and secondly, in relation to our drug oriented culture.

Although the topic of drugs is at the forefront of public attention, the fact that it is a topic which is grossly misunderstood by the public at large, has further contributed to fears, anxieties, and bias in dealing with users. Definitive information has been obscured by mythology, sensationalism, and emotionally charged debates.

One can not exaggerate the degree of public bewilderment with respect to this matter.

The public at large appears to be overexposed to biased information depicting the rare and unusual, rather than common and normative factors related to drug use, and drug abuse.

Using the newspapers as an example, Professor B. Poskanzer, stated, and I am quoting him at this point -- "To my mind, the actual use and abuse of drugs is exceeded by the use and abuse of writings on the subject. It would seem that more people have been "turned on" by the writings on the subject, than by the

chemical substances. It would seem that more people are "hooked" on the ideas of drugs, than by the chemical dependancy producing agents. It would seem further, that these writings are not mind expanding, but rather mind confusing and constricting, that these writings are not reality oriented, but delusional. The newspaper -- as purveyor and conveyor of our culture -- contributes to this abuse and addiction. More "dope" is being pushed by newspapers than by the Mafia, and we are all able to get an ideational "fix" by spending ten cents."

Even persons who are experts in the field have contributed to this state of gross confusion with their "bewildering number of contradictory reports mostly of doubtful scientific validity."

With respect to the second point, the drug orientated culture, as mentioned earlier, drug use and abuse must be viewed in the context of our drug orientated culture. Before they reach school age, children help themselves to antihistamines, decongestants, codein cough syrup, and other drugs which affect the mind. We have excessive use of colic medicine, sleeping medicine, codeine, tranquilizers, and aspirin.

The conference recommendation include the broad areas of research, facilities, education and the law.

With respect to research; since it is recognized that drug abuse is symptomatic of other basic social conditions, it was felt that those social conditions require research. Research must examine the causation, as well as the resulting effects of drug use, and abuse. There was a definite recognition regarding the

necessity for interdisciplinary, multi-dimensional investigation which integrates the medical, psychological, legal and educational aspects.

This would necessitate a team effort involving the co-operation between and among various professions. Research in the past has been too fragmented and narrow to provide guidelines for public policy.

Investigation needs to be conducted in areas that are vague, or areas where public opinion is loaded. The government should not shrink from supporting research which may disclose facts that are contrary to present policy.

The above recommendations necessitate that all levels of government make available more funds to undertake the desired research.

With respect to facilities; the conference demonstrated the absence of adequate facilities for dealing with the misuse of drugs. It is recommended that we make better use of existing community resources and make them relevant to the present needs of youth, rather than thinking only in terms of establishing new facilities.

At present, the youth appear to identify the various institutions with the establishment and authority which negates their potential effectiveness. Institutions must adapt to meet the needs of the youth.

Drop-in centres or activities that meet the needs of youth should be encouraged. These groups are attracting youth in a way that many of the

existing agencies have failed. It is recommended that the opportunity be provided for social animation by local groups, as well as the formation of therapeutic communities, that is, local initiative and active participation should be encouraged.

Thirdly, with respect to education, regarding the drugs we are concerned with, we have the presence of "bad" education, and it was felt that no education is preferable to "bad" education. The conference recommends that there be a re-evaluation of the education and information provided by all relevant institutions. Rather than continuing the process whereby we have the giver of information, and the passive consumer of information, increased involvement in the educational process, is necessary.

The relevant institutions include: the school, family system, the press, radio, and so on. These institutions should be viewed not merely as providers of information, but requiring continual education as well.

There was a call for more responsible and honest information by the media, rather than focusing on mythology and sensationalism. In relation to drugs, information and education is necessary regarding the law, the nature of drugs, the effects, causal factors, psychological and sociological information.

The conference made it quite evident that although there is an abundance of information, much of it is outdated, inaccurate, and value judgment laden.

It was recommended that there be created a centralization of current available information, including a bibliography of articles, on-going research

projects, funds available, etc.

Caution should be noted regarding scientific information versus the interpretations drawn from scientific information.

And finally, with respect to the law, in discussing the law, and drugs, we concern ourselves primarily with the present attitude toward marijuana since this seemed to be the focus of seminar discussions.

It was recommended firstly, that marijuana should not be associated with any legislation that labels it a narcotic.

Marijuana is not medically a narcotic, and it would aid public understanding of the situation if the legal and medical definitions agree.

Accordingly, we recommend that the federal government review the present legal status of marijuana, and place it in an appropriate act.

It was recommended that there be a reduction in both the maximum prescribed penalties, and the judicially imposed penalties for simple possession of marijuana.

The reduction in prescribed penalties could be achieved by a clause in the appropriate act, which would allow judicial discretion on whether to proceed indictably, or summarily and/or would require summary proceedings on certain specific offenses -- first possession charges for example.

It was recommended that careful examination of the present difference between possession and possession for the purpose of trafficking, be conducted,

in order to ensure that those in possession of quantities for their own use, are not charged with possession for the purpose of trafficking.

Such an examination should be publicized.

Finally, it is necessary to note that there was a basic division on the question of whether or not, simple possession of marijuana should constitute an illegal act.

Mr. Chairman, I am aware that some of the changes in legislation, but I remind you that these recommendations were made in February, and for the sake of not projecting myself into them, I read them as prepared at the time.

THE CHAIRMAN: Do you have recommendations, as of today.

PROFESSOR RUTMAN: No, we don't, Mr. Chairman.

THE CHAIRMAN: Do you personally?

PROFESSOR RUTMAN: I think they would very much reflect what was stated in the recommendations by the delegates.

THE CHAIRMAN: At that time, February of 1969.

PROFESSOR RUTMAN: I did add something in addition, although it wasn't a recommendation.

The portion that dealt with the distortion of the drug use and abuse problem by the mass media, wasn't written as such in the final recommendations. I felt this was particularly important to emphasize at this point in time, and although it didn't

change the recommendations as such, I did include it in the report, again emphasizing that the mass media have been irresponsible from my point of view, from the delegates point of view at the conference, in reporting sensationalism.

THE CHAIRMAN: Thank you, Professor Rutman. Are there any questions, or observations?

DR. MILLER: As I recall, most of the recommendations made were those -- there was quite a strong consensus ---

THE CHAIRMAN: Closer to the microphone, please, Dr. Miller.

DR. MILLER: As I recall, the recommendations that were put together, those that actually went into the formal note to the Minister, were those in which there was a general consensus. But I also recall, that there were many more specific discussions, and some strong votes taken among the delegates there.

Could you extend a little bit on what had happened when they took the straw vote eliminating the penalties for possession of marijuana?

PROFESSOR RUTMAN: There wasn't any such formal vote taken. The only place where I received my information, was with the meeting of all the seminar leaders who brought to that meeting the concerns and the desires of the delegates, who discussed the various aspects in their seminar groups, so that I am really not aware of the type of vote you referred to.

DR. MILLER: Well, as I recall, though, it did -- they had an opinion based on the seminar, and

1
2 when it was added up, it was sixty-forty, I think, on
3 the reduction of penalties, or toward the elimination of
4 penalties, for possession.

5 I may be wrong.

6 PROFESSOR RUTMAN: That may have
7 been conducted in certain seminar groups, but certainly
8 there wasn't a report of an overall poll taken on the
9 part of all three hundred delegates.

10 I -- you know, I don't have that
11 type of information available. But again, I think I
12 would like to emphasize, and it was stated at the beginning
13 that what Dr. Miller is saying is quite correct, that these
14 representations, represent areas where there was pretty
15 well agreement or consensus on the part of delegates.

16 THE CHAIRMAN: Dr. Lehmann?

17 DR. LEHMANN: Professor Rutman, you
18 said that one of the conclusions was, that no education is
19 better than poor education.

20 Did the conference come to any con-
21 clusion as to how, or what the pattern of education
22 should be, or should not be, in detail, complete detail?

23 PROFESSOR RUTMAN: I think, with,
24 you know, with reference to education, there was the
25 stress placed on the making available, reliable inform-
26 ation to the public, as a whole. I think also, that the
27 stress was on approaching the problem with youngsters,
28 if it is to be done in the school system, based not on
29 emotional, irrational, scared type of approach, but
30 really trying to level with the youngsters in a manner
in which the law professors expressed earlier.

DR. LEHMANN: Was there any discussion

as to who should teach, whether it should be students, youngsters, teachers, specially trained people, or was that not discussed?

PROFESSOR RUTMAN: No, it was not discussed, but again, there was the recommendation many people are not being effective in terms of communicating their ideas to the youngsters, mainly again, to the identification as being establishment or authority, and there seemed to be the recognition that there is a real impasse here and the difficulty in communication. In the community, what we found is where a group of people have organized their own program, the kids seem to be coming to them for counselling.

They are not coming to the established agencies who could be dealing with the problem, who have the professional resources to deal with it.

THE CHAIRMAN: Thank you very much, Professor Rutman.

I call now on Mr. Ralph Kuropatwa. Would you indicate in passing, who you are appearing for, Mr. Kuropatwa?

PROFESSOR KUROPATWA: Well, I will try to do that. My status has recently changed, and I think I am as confused as anyone else at present.

I am currently the executive assistant to the Minister of Health and Social Services in Manitoba, however, I want to make it very clear that is not the capacity in which I am presenting my material today.

In other words, I make no pretense at speaking for the Province of Manitoba. I make no

argument at the kinds of notions I am presenting are those in the minds of my Minister, or are even present loosely in the Cabinet.

I have also said my standing has changed, recently. It changed as of August, and up until that time, I was a full-time faculty member at the University of Winnipeg, and I am happy to say, I still teach one course at that college.

Mr. Chairman, and members of the Commission of Inquiry, I find myself -- it is something of a disadvantage since most of my ideas in terms of content, and of posture, have already been substantially presented by Professor Penner, and I suspect it was even presented far more articulately than what I was able to do.

However, let me say that I appreciate and enjoy the very fact of the Commission's existence and its pursuit of information on this topic of the non-medical use of drugs.

Seeing that the hour is quite late, I will try, and I will do my best to keep my comments brief, in order to give the presentation as much focus as possible.

Perhaps it would be best to indicate from the outset what it is that I have no intention of testifying to, and that is, I do not intend to testify with specific regard, to the effects, the physiological effects of a variety of psychotropic drugs. This is within the realm, I feel, of the pharmacologist and other related professionals. My perspective on the issue of the non-medical use of drugs, is derived largely from the

1
2 discipline of sociology, partly from the art of social
3 work, and to some extent, from a rather largely interest
4 in politics.

5 Let me put my final recommendation
6 first. Let me begin at the end.

7 I suggest that this Commission apply
8 the information it received in the form of briefs, and
9 in the form of verbal presentations and in the form of
10 more scholarly citations, and in the inventory of
11 research findings at its disposal, I suggest that the
12 Commission apply these to the development of a piece
13 of federal legislation that may, perhaps most appropriate-
14 ly be termed, "The Canada Chemical Comforts Act."

15 The Canada Chemical Comforts Act,
16 the title I suggest for this new Act, is significant in
17 that it acknowledges the fact that by now, it has surely
18 been attested to by the widest variety of presenters to
19 this Commission, as well by the numerous authors, and
20 authorities, on the subject at hand.

21 That very simple fact that I am
22 alluding to, is that we are recognizing our culture as
23 a drug using culture. In fact, it was this afternoon that
24 I heard us all referred to, as "pill happy." That is,
25 mood-changing drugs, mood-changing drugs or chemical
26 comforts are a significant preoccupation of very many
27 Canadians, adult and adolescent, and in many cases,
28 indeed I would suggest in most cases, these chemical
29 comforts are obtained legitimately.

30 I include as chemical comforts,
substances such as alcohol and tobacco, coffee, chemicals
available without prescription ranging from aspirin to

1
2 gravol, and so on, chemicals that are available only on
3 a physicians prescription, and the medical virtues of
4 some of these, such as amphetamines, in the treatment --
5 or in weight control. These virtues are in serious
6 doubt, and finally, those drugs with which we are most
7 obsessed. I feel legitimately obsessed, the illicitly
8 used cannabis derivatives, hashish, marijuana, the
9 hallucinogenics, such as lysergic acid, diethylamide,
10 mescaline, peyote, the amphetamines, dextroamphetamine,
11 dexedrine, etc., and the hard drugs, the opiates such
12 as heroin, morphine, and opium.

13 In addition, of course, one could go
14 on listing chemicals ranging from cocaine to barbiturates
15 nutmeg, aeroplane glue, and glue and nailpolish remover.

16 The moral of the list once compiled
17 in total, would be to demonstrate, rather dramatically,
18 the wide range and the vast numbers of chemicals currently
19 used by Canadians in their search for a change in mood,
20 or a change in awareness, or a search for a comfort that
21 would not otherwise be available.

22 I want to stress that I have deliber-
23 ately avoided the terms "escape" or "escapism." Since
24 it would be too easy to translate these into a criticism
25 of drug users, and I would propose that escaping reality
26 can be much more honestly translated into the term
27 "relaxation", and the term "relaxation" has very different
28 connotations to "escapism" but it acknowledges again that
29 seeking and securing a temporary exit from everyday
30 reality is as Canadian as maple syrup, as Canadian as
constitutional debate, or even ice hockey.

Perhaps just a couple of statistics will serve to illustrate what I mean, about drug dependency being characteristic of Canadians as a whole, and not just the affliction or the affectation of a few vocal and repented defiant and naturally, subversive, hippies.

In 1968, four hundred and ninety million, one grain doses of barbiturates were legally imported into Canada. That is equivalent to one dose a day, every day of the year, for one point four million people.

In the same year, fifty-five point five million one milligram doses of amphetamines were also legally brought into this country. You have surely heard that the adult life of Canada is described as, stimulation by day, and sedation by night.

After this massive consumption of alcohol, caffeine, codein, tobacco, etc., and we find ourselves left with very few Canadians who do not consume mood-changing drugs daily, for relief of some sort.

It bears repeating that the vast majority of these chemical comforts, are legitimate, and therefore we can not, and generally do not, become overly concerned about the medical uses, and the medical abuses of these substances. It is the exception when we worry over alcohol use, although almost three hundred thousand Canadians are suffering from advanced chronic alcoholism, and alcohol intoxication is clearly identified as a major correlation to fatalities in automobile accidents.

Consequently, let me say this, that what is the sense, to many of us, with regard to young

people's use of drugs such as marijuana, is not the morality of seeking and securing chemical comfort. That would be too crass a hypocrisy.

Whether we are offended by one, the fact that such drugs are illicit, and most Canadians very properly do have a high regard for the law, in general. Again, with exceptions such as the Highway Traffic Act, and the Liquor Act, sometimes those two in combination. Two; the almost mythologized element that we don't know what these drugs do to people. (Portion inaudible) for some illicit chemical comforts. It is also true for some legitimate chemical comforts, and visa-versa.

Three; there is the popular association of particular illicit drugs, such as pot and LSD, with degeneracy. We seem particularly fearful that these substances are inevitably linked to perversion, or promiscuity (inaudible) and obscenity, long hair, beards, beads, war protestors, idleness, profligacy, and general immorality.

I wish to emphasize at this point, that I do not minimize the real and the potential threats posed by the abuse of particular chemical substances, especially in the light of the latest fad of multiple drug usage for maximum tripping.

What I do want to stress, as forcibly as I can, is that collectively we have become hysterical about our children's abuse of drugs after we have, throughout their lives, demonstrated to them that moods are to be changed, and changed chemically.

The problem is not that young people are using illicit chemical comforts. The problem lies

1
2 in not having mumbled and stumbled our way into raising
3 our children in an environment where technology has far
4 outstripped the values, has far outstripped the law, has
5 far outstripped our social structures, an environment
6 in which most nearly all of us, find ourselves reaching
7 for chemical mood changers for our relief.

8 In brief, and I did promise to try
9 and be brief, we don't need some minor legislative
10 adjustment here, or some criminal code amendments there,
11 we need a Canada Chemical Comforts Act that will regulate
12 the use of chemical comforts for Canadians, as a whole.

13 In practice it may mean for example,
14 the end of the Food and Drug Act, and its replacement
15 with two separate acts, one related to the regulation
16 of food, and the other, as recommended, related to the
17 regulation of chemical comforts.

18 There will be some interesting prob-
19 lems created by this; for example, where would substances
20 such as coffee, tea, cocoa and nutmeg go legislatively.
21 Would they go under food, or would they go under drugs?
22 But this of course would not be the major difficulty.

23 The major difficulty surely is to
24 develop the Chemical Comforts Act in an intelligent,
25 rational manner, and for the wisdom and intelligence and
26 logic to be exercised in the drafting of such an act.

27 The legislators would need to be
28 informed. In order to be informed, I propose my other
29 major recommendation. That is, research into this area
30 of the non-medical use of drugs. I have heard it said
in academic circles, that if you don't have the answer
to a problem, recommend research.

I am trying not to use that particular (portion inaudible) but I do believe that we must have research in order to, as I said, intelligently draft the Canada Chemical Comforts Act. Research into this area can be utilized, and can be brought to bear on the area in two ways:

The first is the clearing house method. In the clearing house method of research, we bring all available research together, we examine it, we collate it, and the conclusions drawn are then applied to developing and forming of new policy.

The second way in which research can be utilized, is in the testing of a model designed to provide an overview of the area.

The model itself, in order to be tested, indicates a variety of necessary research.

Earlier this year at the Social Science Conference at the University of Winnipeg, I was able to present such a speculative model that gives some overview of, in Dr. Unwin's words, what drug would be used how often, over what period of time, at what dosage, etc.

Much as I am tempted to go into a description of that speculative model, I will restrict my comments to the following aspect of the model.

One: it is not unusual for people to deviate. Even the most normal, well adjusted persons can be defined as deviates from time to time.

Two: much drug abuse -- or rather much drug usage, I'm sorry, particularly the use of cannabis derivatives, fall into such a situation.

Three; we can speculate that there is a significant proportion of drug users that are, however, more or less alienated.

Four; we can draw up an alienation scale and relate indicators to that scale, indicators such as the drug use, the dosage, the frequency, the infrational setting, and the ritual of procedure used.

Now, as I said, I intend to continue with the model. I will refrain however. It is available in terms of my being questioned, and it is also of course, available in the publication of the University of Winnipeg Press, on drugs, use and abuse.

I emphasize, and I want to make this very clear, that I used the above speculative model as an illustration of an overview designed to stimulate research, in somewhat specific directions. The model itself has neither particular virtues, nor particular vices, and I most certainly do not wish to leave the impression that it is the only one available, because it is mine. I use it as an example, and that's all. I use it as an example because I am most familiar with it, obviously.

Let me now quickly summarize the views I offer to the Commission this afternoon, for their consideration:

One: we need much more research to become truly informed in this area of the non-medical use of drugs. The research should take the form of the (inaudible) Research, and the testing research of an overview model.

Two: as a result of the research,

as the result become available, a Canada Comforts Act should be developed, that would be amended as necessary, from time to time.

Three: while the act is being drafted, a moratorium should be called during which young people would not be charged with possession of a soft drug, thereby affording the potentially crippling criminal record. At the same time, distinctions should be drawn between trafficking as a mode of livelihood and this can be punished very severely, and the other less sinister act of sharing your drug with a friend.

I am somewhat painfully aware that I have not discussed many facets of this problem, including, for example, treatment and education.

I am certain that these views will not meet the approval of many people, and many will see that they are somewhat unrealistic, or even too permissive of drug use. I am equally certain that the current situation is unjust, being unjust and that it is also blind to the reality of the very nature of our society.

My views are offered to you this afternoon, as suggestion, and not as final definitive answers. I would be happy to clarify any of the points I have raised by answering any questions, if you have any, and I would be delighted if someone did come up with the final definitive answer.

Thank you for your attention, sir.

THE CHAIRMAN: Thank you.

MR. STEIN: I have a question. Is it possible for you to give us your understanding of what

1 the use-abuse line comes.

2 You have used the term; you have
3 talked about the need to distinguish. I asked the question
4 earlier. I wonder if you would comment on that?

5 PROFESSOR KUROPATWA: I would comment
6 on it. I relate it to the skill of alienation. I feel
7 that the people who use drugs of any one variety at all,
8 and this is the non-medical use of drugs, of course, range
9 from the integrated individuals, these are people
10 that everyone would define as nice, normal, well adjusted
11 people, to severely alienated.

12 The alienation sequence in severity,
13 in increasing severity, would move from any nation of
14 society as a whole, to the more severe alienation of
15 self from the significant environment, to the again, more
16 significant alienation of self, some other, and ultimately,
17 the alienation of self from self.

18 The abuse -- the line of abuse, I
19 feel, would come -- and this is partly arbitrary, partly
20 really based on my own observations. The line I draw in
21 terms of drug abuse is when the (inaudible) demonstrate
22 that the drug is being used to satisfy an alienation of
23 self ---

24 MR. STEIN: What about the question
25 we asked earlier, about what the response might be to
26 this kind of phenomena. In other words, at that point,
27 does the State -- the government, have a responsibility
28 to involuntarily commit someone? As the doctor pointed
29 out, all one can do is stand by and be available. Do you
30 have any observations on that?

 PROFESSOR KUROPATWA: Well, I think

1 that the normal principles would apply here, as anywhere
2 else, and that is as long as damage is not being done,
3 to personal property, that there is no basis for legal
4 intervention.

5 The area we are touching on ---

6 MR. STEIN: Normal where we have
7 laws that do -- how do you mean normal, your estimation
8 of normal? Or were you referring to the Canadian system?

9 PROFESSOR KUROPATWA: I was referring
10 to the Criminal code. And what I am saying is that we
11 are touching on something rather sensitive, that we
12 are getting close to saying should the criminal code
13 permit suicide? And that is an area that I can not comment
14 on, because I am not committed to an answer to that in
15 my own mind. But I would say that if you would look at
16 both Civil code and Criminal code, you will find that
17 there is a theme running through them in which damage
18 to other persons, and damage to property seem to be the
19 guiding principles of legal intervention.

20 I really can't see any deviation from
21 that, in terms of the abuse of drugs, in terms of using
22 that as a ticket for involuntarily committing a drug
23 user.

24 THE CHAIRMAN: Well thank you very
25 much, Mr. Kuropatwa.

26 I now adjourn this hearing until
27 10:00 A.M. tomorrow, in the auditorium of the Concert
28 Hall.

29 The Concert Hall, in the auditorium,
30 excuse me, and that is across the street.

Thank you very much.

--- Upon adjourning at 5:05 P.M.

